



## 9<sup>th</sup> European Country of Origin Information Seminar

Organised by the Refugee Documentation Centre, Ireland and UNHCR  
Dublin, 26-27 May 2004

### COUNTRY PROFILE – BELARUS

The views and opinions stated in this report do not necessarily reflect the views of the organizers of the workshop. This paper is not, and does not purport to be, fully exhaustive with regard to conditions in the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum.

## Belarus

Location: Eastern Europe, east of Poland

Area: 80,155 square miles/207,600 sq km

Capital: Minsk

Independence: 25 August 1991 (from Soviet Union)

Constitution: 15 March 1994; revised by national referendum of 24 November 1996 giving the presidency greatly expanded powers and became effective 27 November 1996; revised again 17 October 2004 removing presidential term limits

Population: 10,293,011 (July 2006 est.)

Suffrage: 18 years of age; universal

Ethnic Groups: Belarusian 81.2%, Russian 11.4%, Polish 3.9%, Ukrainian 2.4%, other 1.1% (1999 census)

Languages: Belarusian, Russian, other

Religions: Eastern Orthodox 80%, other (including Roman Catholic, Protestant, Jewish, and Muslim) 20% (1997 est.)

### Head of state

*Chief of state:* President Aleksandr LUKASHENKO (since 20 July 1994)

*Head of government:* Prime Minister Sergei SIDORSKY (since 19 December 2003);  
First Deputy Prime Minister Vladimir SEMASHKO (since December 2003)

### Political parties and leaders

Pro-government parties: Agrarian Party or AP [Mikhail SHIMANSKY]; Belarusian Communist Party or KPB [leader NA]; Belarusian Patriotic Movement (Belarusian Patriotic Party) or BPR [Nikolai ULAKHOVICH, chairman]; Liberal Democratic Party of Belarus [Sergei GAYDUKEVICH]; Party of Labor and Justice [Viktor SOKOLOV]; Social-Sports Party [Vladimir ALEXANDROVICH]; Opposition parties: 10 Plus Coalition [Alyaksandr MILINKEVICH], includes: Belarusian Party of Communists or PKB [Syarhey KALYAKIN]; Belarusian Party of Labor (unregistered) [Aleksandr BUKHVOSTOV, Leonid LEMESHONAK]; Belarusian Popular Front or BPF [Vintsyuk VYACHORKA]; Belarusian Social-Democratic Gramada [Stanislav SHUSHKEVICH]; Green Party [Oleg GROMYKO]; Party of Freedom and Progress (unregistered) [Vladimir NOVOSYAD]; United Civic Party or UCP [Anatol LYABEDKA]; Women's Party "Nadezhda" [Valentina MATUSEVICH, chairperson]; Other opposition includes: Belarusian Social-Democratic Party Nardonaya Hromada or BSDP NH [Alyaksandr KOZULIN, chairman]; Christian Conservative BPF [Zyanon PAZNIAK]; Ecological Party of Greens [Mikhail KARTASH]; Party of Popular Accord [Sergei YERMAKK]; Republican Party [Vladimir BELAZOR]

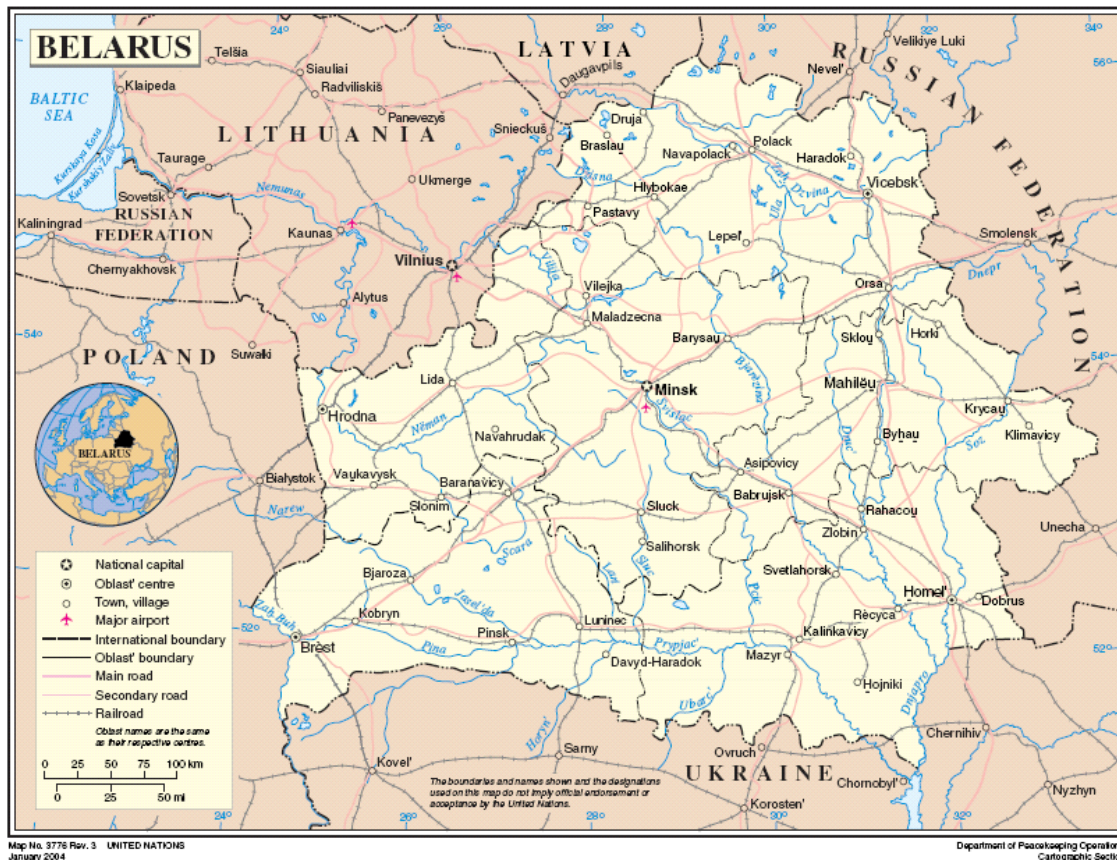
## Economy

GDP – per capita: purchasing power parity - \$7,700 (2005 est.)

Imports: \$16.94 billion f.o.b. (2005 est.)

Exports: \$16.14 billion f.o.b. (2005 est.)

Sources: CIA World Fact Book



## Presentation by Dr. Elena Korosteleva-Polglase

Lecturer in European Politics, Department of International Politics,  
University of Wales, Aberystwyth

### Is Belarus an Authoritarian Exception to the Transitional Experience of East Central Europe?

#### Table of Contents

INTRODUCTION

OVERVIEW OF POLITICAL DEVELOPMENTS IN BELARUS, 1990-2004

TOWARDS AN EXPLANATION OF AUTHORITARIAN REGIME IN BELARUS

*Personal factor of Lukashenko*

*An Institutional Factor*

*An International Factor*

*The Media*

*Public Opinion*

#### **Introduction**

Western commentators sometimes refer to Belarus as ‘Europe’s last dictatorship’.<sup>1</sup> This description is certainly an exaggeration. It nonetheless captures the unique situation in which Belarus has found itself as the target of consistent criticism and isolation on the part of international community for failing to meet what is recognised as international democratic standards.

Fifteen years on, Europe is a different place: the Berlin Wall collapsed and the EU enlarged through that obliterating division between the West and the East. What once used to be the stronghold of socialism in Central Europe, is now eight qualified western style liberal democracies, with two more to join and the rest to become good neighbours and friends. Except for Belarus.

It is seemingly the only country that has not changed and is exceptionally retrospective & isolationist amongst its neighbours. It is the country that has resurrected subbotniki, ideological commissars and involuntary graduate job assignments in fear of revoking diplomas. It is the country that has proved remarkably

---

<sup>1</sup> See for example *The Wall Street Journal Europe*, 7 September 2001; BBC News, 10 September 2001 at <http://news.bbc.co.uk/1/hi/world/europe/116265.stm>; *The Times (UK)*, 16 November 2002; speech by US Senator John McCain at the International Republican Institute Conference on Democracy in North-eastern Europe, Riga, 6 February 2004 (text published on [www.iri.org/sp-mccain-latvia.asp](http://www.iri.org/sp-mccain-latvia.asp));

insensitive to external pressure and espouses authoritarian politics and a demagogue-leader. Finally, it is the country that is the pariah amongst its East European neighbours showing no aspiration for integration either with the EU, CoE or NATO.

Here I shall undertake a (1) brief overview of political developments in Belarus and (2) will endeavour to provide some explanation to Belarus's 'exceptionalist politics' from the five principal dimensions: (i) leadership; (ii) institutional; (iii) international; (iv) the media and (iv) finally, electoral to account for the non-conformity of Belarus's affairs, now unique in the European context.

## **Overview of political developments in Belarus, 1990-2004**

International criticism of Belarus began in November 1996, when President Lukashenko organised a referendum (despite the objections of the Constitutional Court<sup>2</sup>) to amend the Constitution to establish a truly 'super-presidential' system. He had won the first Belarusian presidential elections in 1994 with 80% of the vote, defeating then Prime Minister Vyacheslav Kebich in what was internationally recognised as a free and fair contest. Thereafter, Lukashenko set out to undermine the credibility and the effective operation of the legislative and judicial branches of power, thereby weakening institutional checks and balances limiting presidential power. His first step was to sabotage the parliamentary elections of May 1995 (the first since the country gained independence in 1991) by that undermining the standing of parliament. As a result, due to insufficient turnout and other factors as many as four separate rounds of elections needed to be held for parliament to be able to finally convene in January 1996 ending a year of single-handed ruling of the President by decree. The elections were found by the OSCE to have fallen short of the Copenhagen commitments regarding political campaigning and recommended the clarification of electoral legislation and the provision of increased media access to political parties and candidates.<sup>3</sup>

Lukashenko combined the parliamentary elections with a referendum of consultative character on restoring of Soviet-era state symbols; granting Russian the status of an official language; increasing economic ties with Russia; and giving the President the power to dissolve Parliament. This was Lukashenko's first use of a popular referendum as an instrument of capitalising on his personal popularity to remove institutional constraints on his power. His confrontation with the Parliament was exacerbated when he proposed another referendum to consolidate his *de facto* one-man rule by substantially strengthening the President's powers and reducing those of the Parliament and the judiciary. Lukashenko's initiative caused a serious political crisis: the Parliament refused to approve the organisation of such a referendum and started impeachment proceedings, accusing the President of attempting 'an unconstitutional seizure of power.'<sup>4</sup> The compromise was eventually reached between the Speaker Semyon Sharetsky and President Lukashenko with the mediation of Russian Prime Minister Victor Chernomyrdin that parliament would withdraw its

---

<sup>2</sup> On 4 November 1996, the Constitutional Court ruled that the results of such a referendum should be consultative (i.e. have no legal force).

<sup>3</sup> *ODIHR Activity Report 1995*, p. 5.

<sup>4</sup> Statement by then Speaker of the Belarusian Supreme Council Semyon Sharetsky, 22 November 1996.

petition for the President's impeachment and Lukashenko would accept that the referendum would not be legally binding. This upset a lot of deputies, and in the end caused Lukashenko to withdraw his concession. Indeed, he succeeded in convincing the electorate, which voted in favour of the proposed constitutional amendments with 71%.

The main features of the constitutional amendments adopted in November 1996 were that the President gained the right to dissolve the Parliament, to call referenda, to issue decrees with the force of law, to hire and fire Ministers without parliamentary approval, to appoint six members (half) and a Chairman of the Constitutional Court and the Supreme Court, and an eighth of the upper house of Parliament. The Parliament became bicameral with the creation of an upper house consisting of presidential and local government appointees, which weakened the influence of the directly elected lower chamber. Moreover, the size of the lower house was reduced to 110 deputies, but no new elections were organised at that time. 42 deputies of the anti-Lukashenko parliamentary opposition insisted that the new Constitution and the new Parliament were illegitimate and refused to sit in the new Parliament. The composition of the new, weakened Parliament was the result of self-selection: the new lower house ended up consisting mainly of Lukashenko's supporters, which neutralised the legislature as a counterweight to presidential power. Naturally, the outcomes of the referendum and therefore the legitimacy of the amended Constitution and of the Belarusian institutions of government were not recognised by the international community.

Instead international organisations continued to recognise the previous Parliament (of the 13<sup>th</sup> Convocation) as the only legitimate Parliament of Belarus for several years. In practice, this meant that only the 42 opposition (former) deputies were admitted to European forums, even though the deputies that remained in the new House of Representatives had also been elected in 1995.

Lukashenko attracted further international opprobrium when he refused to hold presidential elections at the end of his first term in office (July 1999) on the grounds that the first two years of his term should not be counted because they were covered by the old Constitution.<sup>5</sup> In the same year, the international reputation of Belarus was clouded by the disappearances of former Interior Minister Yury Zakharenko (May 1999), former Chairman of the Central Election Commission Viktor Gonchar and businessman Anatoly Krasovsky (September 1999). Gonchar in particular was a prominent opposition figure and his disappearance raised suspicions that he might have been attacked for political reasons. A cameraman working for a Russian television channel, Dmitry Zavadsky, was added to the list of disappeared persons in July 2000. Under international and domestic pressure, an investigation was launched leading to the arrest and conviction in March 2002 of two Belarusian former secret service agents for abduction and murder of Zavadsky. However, this trial did not fully convince the international community. In spring 2004, the Parliamentary Assembly of the Council of Europe (PACE) once again called on Belarus to conduct independent

---

<sup>5</sup> See EU Presidency Statement of 20 July 1999, Bulletin EU 7/8-1999, Common foreign and security policy (12/27)

investigations into the disappearances and to not shy away from fully pursuing any evidence pointing to the involvement of high-standing state officials.<sup>6</sup>

The parliamentary elections of 2000 and the presidential elections of 2001 were criticised for their failure to meet international standards. In the run-up to the parliamentary elections of October 2000, the OSCE, the CoE and the EU held a joint assessment of political conditions in Belarus based on four criteria: the amendment of the electoral legislation to ensure full transparency of the electoral process, including the composition and the work of election commissions; guarantees of all political parties' access to the mass media; the restitution of meaningful parliamentary powers; and measures to restore confidence in the run-up to the elections, notably by ending harassment and intimidation of opposition politicians and their supporters by the law-enforcement agencies. The three institutions noted an improvement thanks to amendments introduced to the election law in June 2000, but found that the four criteria, which were considered as necessary preconditions for the elections to be deemed "free and fair", had not been met. They therefore decided against a full election observation mission. The elections were observed by a small delegation of the Parliamentary Troika (OSCE and CoE Parliamentary Assemblies, European Parliament), which identified several flaws, including the abuse of candidate registration procedures to disbar many opposition candidates; lack of transparency in the counting and tabulations of the vote, especially due to extensive early voting;<sup>7</sup> and a heavy bias in the state media in favour of pro-Lukashenko parties and candidates.

Still European institutions recognised that the Belarusian authorities had made some efforts to respond to international criticism, e.g. by amending the election law and giving all candidates five minutes free air time on state television. The report of the Parliamentary Troika explicitly presented the following year's presidential elections as an opportunity for the Belarusian authorities to regain international legitimacy and end the country's international isolation by meeting the aforementioned four criteria.<sup>8</sup> However, this opportunity was missed. Despite the intention of the OSCE to deploy a full election observation mission, the relevant invitation from the Belarusian authorities came too late to organise such a mission. The explanation of the Belarusian authorities was that to avoid embarrassment they delayed issuing the invitation until they felt certain that it would be accepted. The OSCE on the other hand refutes this argument, as the organisation had repeatedly reassured Belarus of its plans to deploy a full mission. As a result a limited mission was organised covering only the last three weeks in the run-up to the election (rather than four weeks, as is the normal OSCE procedure). This prevented the OSCE from observing the formation of election commissions, the registration of candidates and the first week of campaigning and media coverage.

It also led to an impression that Belarus accepted international scrutiny of the election process only reluctantly.<sup>9</sup> At any rate, it illustrated the Belarusian authorities' distrust

---

<sup>6</sup> PACE Resolution 1371 (2004) adopted on 28 April 2004.

<sup>7</sup> Only nationwide official results were publicised; no detailed breakdown by region or polling station was given.

<sup>8</sup> "Report by the Parliamentary Troika on the political situation in Belarus in the light of the parliamentary elections of October 15<sup>th</sup>", 16 October 2000, p. 4

<sup>9</sup> The Belarusian authorities' refusal to issue visas to two members of the OSCE long-term observation team reinforced this impression.

of the OSCE and also of the EU, which had also called for a timely invitation to the OSCE. The verdict of the OSCE observers was once again that the elections, which resulted in the victory of President Lukashenko with 75% in the first round, fell below international standards on account of essentially the same flaws as the previous year's parliamentary elections. On the positive side, the OSCE mission recognised that with four candidates registered, including three from the opposition, the voters had a genuine choice and that civil society was able to mobilise some 10,000 domestic observers.<sup>10</sup>

The Belarusian authorities' pressure on non-state media has been another point of international criticism. This has included the confiscation of equipment and/or publications and the temporary closure of printing facilities such as those of the 'Magic' publishing house (including during the 2000 and 2001 election campaigns), which prints several opposition newspapers, often on tax evasion charges. The closure of media outlets and the criminal prosecution of journalists and politicians (most recently Anatoly Lebedko) charged with 'defamation of the President' have provoked further international censure of Belarus's failure to observe the freedom of speech.<sup>11</sup> Media pluralism in Belarus remains limited due to state control over the distribution of the print media and also due to the monopoly position of state-controlled electronic media with nationwide coverage.

A notable feature of Belarusian politics under Lukashenko has been the President's largely successful attempts to tarnish the reputation of his political opponents. Many former high-ranking officials, who became critical of Lukashenko and joined forces with the opposition, including former Prime Minister Chigir, have been accused of corruption and imprisoned. Other opposition figures such as former deputy Andrei Klimov and even politically uninvolved critics of the authorities, most notably Professor Bandazhevsky, who criticised official policy on the consequences of the Chernobyl disaster, had a similar fate. It is not possible to assess the validity of the charges in each case, but European institutions expressed serious concern that such prosecutions may have been politically motivated.<sup>12</sup>

European institutions have castigated Belarus for repressing civic liberties by arresting peaceful demonstrators (e.g. in October 1999 and April 2003), thereby violating the internationally accepted freedoms of expression and assembly. The Belarusian authorities have also been repeatedly criticised for imposing undue restrictions on the activities of NGOs, trade unions and religious organisations such as extensive controls on their sources of funding and on their publications. Most recently, in March 2004, the EU expressed concern over the Belarusian tax authorities' decision to impose a heavy fine on the 'Belarusian Helsinki Committee', a human rights organisation, and threats to close the most prominent non-state educational institution, the European Humanities University.

---

<sup>10</sup> International Limited Election Observation Mission, *Statement of Preliminary Findings and Conclusions*, Minsk 10 September 2001, pp. 9, 12

<sup>11</sup> The OSCE and the EU condemned the convictions of journalists Ivashkevich, Markevich and Mozheiko in 2002 as intimidation of the media by the Belarusian authorities.

<sup>12</sup> See for example the *Declaration by the Presidency on behalf of the European Union on the release of Mr Mikhail Chigir*, 8 December 1999, CFSP statement no. 99/249

## **Towards an explanation of authoritarian regime in Belarus:**

### **Personal Factor of Lukashenko**

In Belarus, like in other post-Communist societies, especially in the former Soviet Union, the uncertainties of the early years of transition increased the appeal of a populist leader who promised ‘a strong hand’ and ‘discipline and order’ in society. Lukashenko’s remarkable success in personalising power and in marginalizing his political opponents has largely been the product of his own political skill and determination.

The establishment of an authoritarian system has also been facilitated by other features of Belarusian society. This includes a high level of ethnic homogeneity and little elite change in the late Soviet period, broad consensus on avoiding the social costs of reform and the lack of large-scale privatisation and social disparities, along with loyal administration of the president has stifled political competition and curbed pluralism. Some people describe the system as ‘democratic authoritarianism’ which allows for the election of strong authoritarian leader by a democratic means, who then is delegated all powers to do what he deems necessary for the country on people’s behalf. Further stipulation of this situation has found itself in institutions, which, when cast, have the life of their own, and the practice of elections testifies it.

### **An Institutional Factor**

In Belarus, elections serve less as a device of direct democracy, but more as a mechanism to secure the future configuration of the political arena by the authorities. This has become institutionally and legally possible after the amendments to the original constitution, popularly approved (70.5 per cent) during the referendum in November 1996, as well as the introduction of ‘the Presidential vertical’ in autumn 1994.<sup>13</sup> The addenda provided the government an opportunity to safeguard election outcomes to local and regional councils (Soviets), which in turn almost guaranteed the election of a desirable ‘composition’ of MPs to the upper chamber of Parliament – the Council of the Republic (CR) – and of members to the Central Election Commission (CEC). CR, in partnership with the President, is responsible for the formation of the judiciary, legislative and executive branches of power (Art.98), whereas the appointment of CEC guarantees the recurrence of government-regulated electoral cycles with anticipated outcomes.

The election of local councils lies at the heart of the President’s ability to orchestrate effective control and order throughout the whole system of governance, which is made possible by way of direct management of the appointment of local, regional and Central Election commissions. Their key legal provisions are discussed below.

The principal controversies, however, lie in the way election commissions are formed, and act during elections. Although members of these commissions can be nominated

---

<sup>13</sup> That is Presidential appointment of the heads of local governments and senior executive bodies, in accordance with Presidential decrees Nos. 222 of 28 November 1994, 383 of 19 September 1995 and 723 of December 2001<sup>13</sup> (Art. 9 of Law ‘About Local Governance and Self-Governance in Belarus’).



by citizens, political parties, public associations and labour groups, their actual *appointment* is undertaken by local councils and executives. The latter, by law, are appointed by the President,<sup>14</sup> and are therefore, biased towards the government. From Article 35, it further transpires that the bodies, which form local electoral commissions, have the right to include their *own* representatives as members of these commissions, the number of which is unspecified, but should range between 9 and 13.

Further controversies are revealed in the process of handling elections and controlling election outcomes. There are several mechanisms in use by which electoral commissions gate-keep unwelcome dissent and orchestrate the electoral process. For example, a carefully designed *registration procedure* can invalidate a candidate's attempt to register for election, if at least 15 per cent of the required signatures were found invalid.<sup>15</sup> The procedure, however, does not take into account cases when a number of collected signatures may significantly exceed the number of required signatures, and instead of deducting invalid signatures from the total number collected, it invalidates the entire case.

Even if an 'unwelcome' candidate succeeds in making it to the elections, there is no guarantee that s/he will remain there until the next election. To secure secondary control over the elected candidates, the government keeps a *recall option* of candidates, which is one of the most opaque and contradictory procedures in the Belarus Electoral Code. Any candidate can be recalled if so desired by a majority vote in the presidium of local council and executive committee, implemented through mediation of local election commissions.

Furthermore, during elections early and mobile voting is allowed and, in fact, has been encouraged by authorities in recent years, as it provides the maximum scope for manipulation and the least control over the actual counting procedure. For voting to be considered legitimate, as few as two members of the election commission need be present, who incidentally may be state employees, which raises the question of their impartiality. In addition, early or mobile voting does not require the presence of independent observers, which, as argued by the government, is unnecessary due to 'high levels of transparency' similar to that displayed during early voting by post in Lithuania, Finland and other countries.<sup>16</sup>

Furthermore, 'although observers are now permitted to familiarise themselves with the protocols of all relevant commissions', there is no legal requirement for them to be provided with certified copies of the results at any level of election administration. In practice this limits the right of observers to information in cases of disputes, and in March 2003 resulted in a court hearing during the local elections.<sup>17</sup>

---

<sup>14</sup> The heads of local executives (ispolkom) are appointed by the President; they in turn have the right to select their own team and dismiss undesirable members. This renders an excellent 'bottom-up' mechanism of vertical accountability to the President.

<sup>15</sup> Varied number of signatures is required for the nomination of candidates by political parties, trade unions, and citizens (Articles 62-65, Electoral Code). Usually, for local councils no more than 75 signatures are required

<sup>16</sup> See OSCE/ODIHR *Assessment of the Electoral Code*.

<sup>17</sup> See the inquiry to the Minsk City Prosecutor's Office based on the complaints of citizens in relation to vote count violations in the Malininsky Constituency, *Belapan* Internet Newspaper, 8 April 2003, <http://elections.belapan.com/local2003/rus/show.php?show=40717> accessed 14 July 2003

More pressing, however, appear to be the issues of appointment of the Central Election Commission and its handling of elections. It is appointed by the President and the Council of the Republic on recommendation from Minsk and regional councils (Art. 84 & 98, Constitution), which nullifies legal efforts, as stated in Article 11 of the Electoral Code, to make election commissions *independent and free of government control*. Furthermore, Article 87 of the Electoral Code, for example, allows the CEC the right to be 'selective' in the procedures of registering candidates for the second ballot, and of forming local commissions for repeat elections. Under Article 33, the Central Election Commission also has unspecified 'other rights', which opens opportunities for government manipulation by way of Presidential decrees and decisions. For example, in 1998, in accordance with the law on 'The Central Election Commission', No. 137-3, 30 April 1998, the CEC was given a new responsibility of registering a group of citizens who had come forward with a legislative initiative or a bill to be considered by the House of Representatives. This newly granted right is beyond the remit of responsibilities that the Commission traditionally holds to be responsible for organising elections, referenda and recall procedures (Art. 1, Law 'About the Central Election Commission of the Republic of Belarus', No. 137-3. 20 April 1998). Furthermore, the new registration duty falls under the same rules that the Commission applies to validating signatures for group registration for elections and recall procedures (Art. 61, Electoral Code). This implies that a legislative initiative made by a group may ultimately lose force if only 1,500 signatures out the 50,000 required by law (Art. 99, Constitution) were found invalid.

The overall implication of these amendments is far more reaching than may initially seem. Following Presidential decrees No. 407 in 1997 'The formation of the National Centre of Legislative Activities under direct subordination to the President', and No. 327 in 1998 'The order of dealing with legislative activities by the President', every single legislative initiative that comes from either the House of Representative or the people of Belarus needs to be legally approved by the Centre and nine other governmental bodies before it can reach a draft stage. This deprives the House of Representatives, and the citizens of Belarus, of their legal right to law-making, especially when alterations to the Code are proposed. To this end, the inclusion of people's legislative initiatives under the remit of the CEC is another step towards gate-keeping any unwelcome propositions that may challenge the existing order.

So, why are local elections crucial for the health of democracy?

There are several answers to this question. One is that when both local councils and executives are tightly controlled it is much easier to gate-keep dissent and breed the right cohort of citizens to provide robust and unquestionable support to the government, when necessary.

There is also a need to maintain the incumbency and strengthen the supremacy of the presidency. Legally, this can be done by electing the 'right people' to local councils, who then, along with local executives appointed by the President, can arrange the nomination of candidates to the upper house of Parliament, whereas oblast and Minsk councils recommend candidates for nomination as members of the CEC – to be approved by the president and CR. Thus, the Presidential vertical and the selective

membership of local and Central Election Commissions reinforce government's control of local councils, in order to manipulate the outcomes of elections to the parliament.

Why is the control over the upper house of Parliament of such importance to the President? The answer is contained in the amended 1996 Constitution, Article 98. Together with the President, they can extend control over the judiciary, legislative and executive branches of power, and gate-keep any unwelcome initiatives or dissent. The Council of the Republic has been designed, and is viewed by the President, as his exclusive partner for the control of and access to power across all branches of government and decision-making. The private privilege the Council of the Republic, along with the President's vertical, enjoy in return is the right to veto the House of Representatives, control local councils, and recruit government employees.

In summary, the key to a successfully managed authoritarian system lies with local elections. They continue to be underestimated by voters, opposition and international advisors, but are effectively employed by authorities to orchestrate the electoral process. Each election, be it local, parliamentary, or presidential, is a stepping stone in preparation for the next campaign ensuring a predetermined result for the government and thus maintaining the existing status-quo. With the 2003 local elections a new and yet unchallenged electoral cycle has already begun in Belarus.<sup>18</sup>

## **An International Factor**

After the constitutional referendum of November 1996 and the controversial reform of the Parliament, the international ostracism of Belarus began with the suspension of the country's observer status in the Council of Europe and with the OSCE Parliamentary Assembly's refusal to accept delegations from the new Parliament.

In early 1997, the European Union requested the Belarusian authorities to open consultations with the former deputies of the 13<sup>th</sup> session to establish a proper balance between the executive, the legislative and the judiciary branches of power and to establish mechanisms to guarantee human rights and the position of the non-state media. The EU offered Belarus assistance in meeting democratic standards, but the Belarusian authorities refused to acknowledge that their conduct was in any way deficient with regard to democratic norms. The Lukashenko administration did not accept the authority of any international organisation to assess it against 'European or international standards'. As far as the President was concerned, the expansion of his powers had received the overwhelming support of the Belarusian people and was therefore legitimate.

From the point of view of the EU and other international organisations, Belarus was however in breach of its international commitments arising from its membership in

---

<sup>18</sup> As a result of 2003 local elections, the government succeeded in forming loyal local councils. The total of 23469 (97.78%) MPs were elected. Amongst them were 52 percent of those from previous convocation (+4% as compared to 1999), 96 percent of state employees, 0.7 percent from a private sector, 2 percent unemployed and 1 percent of political parties (-2% as compared to 1999), two thirds of whose were parties of pro-Presidential orientation.

the OSCE. By joining the OSCE in 1992 Belarus signed up to the organisation's principles, including with regard to democratic institutions, political rights and freedom of media and information. These are often referred to as 'the Copenhagen commitments', which include specific requirements for the conduct of elections campaigns in a free and fair environment and access to the media for all candidates on a non-discriminatory basis.<sup>19</sup>

In September 1997, the EU's Council of Ministers decided to freeze the entry into force of the two agreements the EU had concluded with Belarus: the comprehensive Partnership and Cooperation Agreement (PCA) and the more limited Interim Agreement; to refrain from any Ministerial contacts with Belarus – with the exception of extraordinary contacts through the EU Presidency or the EU Troika; to suspend EC and member-states' technical assistance programmes with the exception of humanitarian projects or those directly supporting the democratisation process; and to continue democratisation programmes in cooperation with the OSCE and the Council of Europe. Belarus has also missed out on trade preferences that the EU has since offered to its neighbours such as Russia and Ukraine. The United States adopted a policy of 'selective engagement', which consists of restricting interaction (including assistance and trade) with the official authorities to a minimum, while providing political, technical and financial support for the opposition and the 'democratically-oriented' (i.e. anti-Lukashenko, pro-Western) media and civil society.

Seven years after the introduction of the policies that have resulted in the isolation of Belarus from 'the West', there is barely any evidence of progress towards political liberalisation in Belarus. On the contrary, there are grounds (e.g. criminal prosecutions of journalists) to consider that the situation with regard to some of the criteria set by European institutions has deteriorated. Faced with the expiry of his current term in office in 2006, the Belarusian President has announced his intention to once again resort to a popular referendum to lift the constitutional restriction that prevents him from running for a third term. It is clear that European institutions' policy of isolation has failed in its objective to promote Belarusian conformity with internationally endorsed democratic standards.

The Belarusian leadership's aloofness to the process of European integration *inter alia* reflects the Lukashenko administration's non-adherence to the principles professed by major international organisations. Belarus's low interest in being admitted to European 'clubs', coupled with its overwhelming reliance on Russia, has severely limited the options available to European institutions to encourage political liberalisation. The Belarusian administration's interest in relations with the EU is limited to *interaction*, not integration. Belarus wants cooperation with the EU in selected areas: trade and investment, cross-border and Justice and Home Affairs cooperation, which in the understanding of the Belarusian leadership do not imply Belarusian acquiescence to the EU's right to scrutinise or – in Belarusian diplomatic language – 'interfere in' the country's internal affairs. Like Russia, Belarus is interested in cooperation with European institutions only in so far as it does not involve political conditionality. Unlike Putin's Russia, Lukashenko's Belarus has

---

<sup>19</sup> These are enshrined in what is known as the 'Copenhagen document', i.e. Document of the Copenhagen meeting of the Conference on the human dimension of the Conference for Security and Cooperation in Europe (predecessor of the OSCE).

shown little interest in the approval of European institutions: it has made hardly any efforts or even verbal commitments in order to be recognised as ‘a good European’ or a ‘worthy member of the international community’.

In 2004 all European institutions concerned (EU, CoE, OSCE) as well as the United States continue to adhere to the policy of political and economic isolation of Belarus. The West has insisted on this in order to ‘draw a line’, to send a clear signal that it considers this kind of authoritarian behaviour as unacceptable and hopefully deter other countries’ leaders from caving into the temptation to use authoritarian methods. In terms of promoting political liberalisation in Belarus, however, the isolation of Belarus from the West offers almost no workable options. If anything, the restriction of economic links and political contacts between Belarus and the West has reduced European and American leverage over Belarus. The Lukashenko administration has tried to use the country’s isolation to its own domestic advantage by arguing that Belarus does not need the West either in economic or political terms. Olga Abramova, a Belarusian parliamentarian critical of the Lukashenko administration, has argued that a toughening of Western economic sanctions might even benefit Lukashenko, who could credibly blame the West for a possible deterioration of living standards at home.<sup>20</sup>

## **The Media**

In Belarus, relations between the state and mass media have been problematic since the country’s independence, affecting media’s performance as an independent social institution.

### *Institutional hurdles*

At present, the state’s power to dictate its will to the media is aided by its ownership of major printing and distribution networks and control of air frequencies. Most printing plants in Belarus are state-owned. Although the country has several private printing facilities, their capacity is very small, and 70.8 per cent of all newspapers in Belarus are printed at the Belarusian Printing House,<sup>21</sup> which is owned by the state and managed by the presidential administration. All printing plants, even privately-owned, must be licensed at the Ministry of Information.

Furthermore, the main national distribution network is run by the state-owned postal service, *Soyuzpechat*, which deals with subscriptions and sells newspapers and periodicals at its 1,369 kiosks throughout the country. Alternative channels of distribution recently have come under pressure from the state,<sup>22</sup> being ruled under a new law (‘Law on Mail Services’, No. 258-3. 15 December 2003) compelling them to make direct subscription through editorial office subject to state licensing.

---

<sup>20</sup> Interview with Clelia Rontoyanni, April 2002

<sup>21</sup> See the official website of the Ministry of Information of Belarus, <http://mininform.gov.by/data/main/polygraphy> accessed March 24, 2004.

<sup>22</sup> Earlier this year street distributors came under scrutiny by local authorities in several regions of the country on the grounds that all distributors of media must be properly licensed; in summer 2003 several private enterprises refused to continue to sell non-state newspaper *Intex Press* after being threatened by local authorities.

The authorities further exploit the economic situation by offering financial support to loyal outlets. Thanks to state subsidies, major pro-governmental newspapers can afford large formats, attractive designs, sizeable staff and, most importantly, significantly larger circulation than non-supported press.<sup>23</sup>

If the press rely largely on the state for printing and distribution, broadcast media rely on it for provision of air frequencies and is heavily censored. The state has a virtual monopoly on television in the country. All national TV channels are state-owned. The State Television and Radio Broadcasting Company is under direct presidential control. Private ownership of a nation-wide broadcaster is not illegal, but with the Ministry of Information responsible for granting frequencies and with governmental Republic Commission for Television and Radio Broadcasting responsible for selecting bidders for available frequencies, a truly independent national broadcaster seems unlikely.

#### *Legal framework for the operation of media*

The Belarusian Constitution and law on press pledge, in principle, to uphold and protect freedom of expression and information. In the specific context of elections, legislation says that media are free to cover elections and have access to relevant information (Law 'On Elections', Arts.7 & 39). However, in reality the media are considerably restricted in their activities, and particularly their political reporting, not only by structural levers of state control but also by several provisions of the law on press and other legislative acts. The Constitution was amended in 1996 to include one such restriction on freedom of press, which bans the use of media to defame citizens, while making no distinction between private and public figures. Apart from that, amendments to the press law, presidential decrees and ministerial regulations have been the most commonly used instruments of imposing legal limitations on media and the use of media by political agents.

Belarus spent its first few years of independence without a media law. Media coverage of the first presidential elections in 1994 was still regulated by the old Soviet media legislature as well as new Law on Presidential Elections and Decree No. 279 on the use of media by presidential candidates. Unfortunately, when the new press law finally appeared in January 1995, it contained several legal problems, including absence of any restriction on state ownership of media that would prevent the government from dominating the field.<sup>24</sup> Also the law's provisions on de-stabilisation (Art. 5) drew criticism for offering a legally-sanctioned opportunity to censor media.<sup>25</sup> The President exploited this opportunity shortly, in March 1995 – two months before parliamentary elections and referendum – when he dismissed chief editor of *Narodnaya Gazeta* Iosif Seredich by a Presidential decree on 'violations of

---

<sup>23</sup> The main national state daily *Sovetskaya Belorussiya* boasts a circulation of 317,871 copies, while opposition daily *Narodnaya Volya* has a circulation of slightly over 41,000 and independent daily *Belorusskaya Delovaya Gazeta* prints about 20,000 copies.

<sup>24</sup> See EIM report on media coverage of Belarus' parliamentary elections and referendum in 1995.

<sup>25</sup> Yasha Lange (1997), *Media in the CIS* (EIM) <http://www.internews.ru/books/media/> accessed 25 March 2004.

the media legislature' and told the newspaper's staff that he would not tolerate any destabilising efforts of the Belarusian media.<sup>26</sup>

Amendments introduced to the press law since 1995 failed to correct its legal drawbacks, adding further restrictions on the operation of media, instead. Media criticism of public officials became severely constrained by amendments to Article 5 (introduced in 1998 and 1999), which prohibit media to publish information that damages honour and dignity of leaders of state bodies; the 1999 amendment singled out the President.<sup>27</sup> A recent upsurge in libel cases brought by state officials against opposition newspapers and journalists, where defendants are liable to pay large fines, indicates that this form of legal intimidation is becoming popular with the authorities on the eve of the upcoming parliamentary elections. Precedents such as the case of opposition daily *Narodnaya Volya* vs. then-head of the State National Television and Radio Company Yegor Rybakov<sup>28</sup> will make it difficult for the media to publish critical analysis of candidates without risking a lawsuit.

Freedom to disseminate political information is further restricted by another 1999 amendment to Article 5, which forbids distribution of information on behalf of unregistered political parties, public organisations and trade unions. While professional ethics of journalists does not allow for propagating on behalf of political groups, registered or not, this clause makes even *reporting on* unregistered political groups and organisations illegal. In the country where several NGOs saw their licenses revoked by the state in 2003 for their involvement with opposition and politics, the clause appears to serve the purpose of denying the public political coverage of opposition-minded groups.

Another important clause of the media law that enables the government to restrict the operation of media is the provision on registration. All broadcast and print outlets, regardless of their type of ownership, have to register with the Ministry of Information.<sup>29</sup> Obtaining and maintaining registration involves meeting a number of administrative requirements, and often even a minor violation of those can entail administrative problems, up to having one's application rejected or losing the license.

The 1998 amendment to the media law orders an applicant for registration to enclose a certificate from local state executive bodies saying that they approve the legal address of the applicant's editorial office in their district (Art. 10). This offers the state a lawful opportunity to avoid registering opposition newspapers, as local executive bodies can arbitrarily deny such an approval without any obligation to

---

<sup>26</sup> As editor of a parliamentary outlet, Seredich could be dismissed only by its founder – the parliament; the decree violated this rule and the press law (Art. 16), but was, nonetheless, enforced. The President sacked two other editors of major national newspapers in early 1995 disregarding this provision.

<sup>27</sup> The text of the clause reads it is prohibited to use mass media for 'distributing information that damages the honour and dignity of the President of Republic of Belarus, heads of state bodies whose status is defined by the Constitution'.

<sup>28</sup> In November 2003, the final ruling of the court ordered the newspaper to pay 25,000 US dollars in moral compensation to the plaintiff, and journalist and her source for the article, which had caused the lawsuit, were ordered to pay 1,500 US dollars each. These are considerable amounts in the country where an average salary is about 150 US dollars a month.

<sup>29</sup> That is, unless they are founded by state bodies to publish their legislative acts and official information or have an audience of no more than ten subscribers (for cable broadcasters).

provide a legal explanation. Incidentally, the law contains no clause to prevent the state from arbitrarily announcing general re-registration at any time, whereby all the media would have to go through the uncertainty of the application process again.

In case of a license being revoked, the regulations prevent the banned outlet from re-registering, and its publishers from founding another medium, for two years (Art. 8). A media outlet has to re-register if it got two suspensions in one year (Art. 11), and a court can suspend it if it finds the outlet in violation of the media law (Art. 16).

A compulsory character of registration makes it an unavoidable hurdle that all mass media have to pass it before they can operate on the market. Given an element of arbitrariness involved, it places another effective instrument of control over the field into state's hands. It enables the authorities to sieve through the media potentially threatening outlets or push critical ones out of operation and keep them out.

The law on media has been complemented by several other acts of legislature, some of which infringed on media freedom. In 2003, the Ministry of Information issued new rules, whereby all FM-station in Belarus have to submit complete scripts of their programmes and play-lists to the Ministry at the end of every day. The official reason is that at least 50 per cent of radio stations' music must be Belarusian; this fails to explain, however, why texts of news blocs and other programmes are also requested. In any event, such obligatory control over content constitutes censorship, and is unconstitutional.

In 2002, the Council of Minister introduced compulsory licensing for anyone wishing to publish opinion polls concerning political situation in the country, elections and referenda. If previously newspapers could include opinion poll results in their reports, now they would have to apply for a separate license and, possibly, be refused. This regulation conflicts with the citizens' constitutional right to receive timely information.

The same right was violated by presidential decree No. 300 (9 June 2003), which listed state organisations entitled to treat information concerning their operation as a state secret – and state secrets are protected from media disclosure by Article 5 of the media law. The problem was that the list included such 'harmless' sectors as Ministry of Culture, Ministry of Education, Forestry, Railways and even the Food Industry. The decree has provided a legal basis for these organisations to refuse information on their activities and economic performance to journalists.<sup>30</sup>

State officials frequently resort to withholding information from non-state journalists as means of interfering with the media. This has not been made into an official regulation yet (if we discount the 2003 decree), but there were reports of unofficial instructions 'from the top', and lower-rank officials normally seek their superior's permission before speaking to the media. This reluctance to provide any information to a non-state outlet sometimes results in absurdities, as in August 2001 when a weather forecast specialist refused to tell a journalist from a non-state newspaper in

---

<sup>30</sup> See human rights monitoring by the Charter'97 (June-August 2003), <http://www.charter97.org/rus/news/2003/10/06/monitoring> accessed 24 March 2004.



Pinsk the expected speed of wind and motivated the refusal by the upcoming presidential elections.<sup>31</sup>

Other regulations, such as separate licensing for direct subscription services and governmental subsidies to state media, contribute to the situation when media find themselves increasingly at the mercy of the state. The government's policy towards the media is expected to become harsher with a new media law, whose official draft has never been made public in the several years of its drafting. According to unofficially obtained copies of the draft<sup>32</sup>, the law promises to be even more restrictive than its previous version. It also adds Internet to the mass media category, making on-line publications and other web-sites subject to the same regulations and limitations as press and broadcasting, including registration, defamation and destabilisation clauses. Until recently, Internet has been an alternative source of information for an increasing number of Belarusians, but the new law might reverse that.

These are only some of the most constraining and frequent features of the legal framework for the operation of media, which illustrate the general condition. What these examples show is that the legal basis for media's functioning is dominated by limitations rather than guarantees of media's independence.

## Public Opinion

We shall now turn our attention to what citizens of Belarus understand by 'democracy' and what they aspire to achieve. For this purpose we will use the findings of national surveys<sup>33</sup> conducted in April 2003 in Belarus.

It emerged that *cognitively* the citizens of Belarus are willing to foster democratic foundations, which was shown by their openness to the international community and general refusal to accept media censorship, direct Presidential rule, abuse of human rights, and manipulation of law. A different picture, however, emerges when depicting people's 'attitudinal' or 'emotional' acceptance of democratic norms, which displays continuing preponderance of 'authoritarian' judgements over their pro-democratic cognitive choice.

The 2003 national survey demonstrated that very few understood the underlying principles of democracy: for example, only 3 per cent of respondents declared that democracy meant 'government by the people' and only 1 per cent said, it would offer

---

<sup>31</sup> See media monitoring by the Belarusian Association of Journalists (BAJ), <http://baj.ru/man/m0801b.htm> accessed 24 March 2004.

<sup>32</sup> The copy of a draft was circulated by BAJ in 2003, but it might not be the final version, as the draft is currently being considered by the presidential administration, which might introduce changes.

<sup>33</sup> In Belarus national surveys were commissioned by the author (Elena Korosteleva-Polglase) in March-April 2003 (BA SG-31102) and December 1998, and were led by the Centre for Social and Political Research, BGU. A nation-wide sample included 1000 in Belarus of adult population aged 18 and upward. Interviews were face-to face. The confidence interval is 99.47 per cent. The results were also corroborated by survey evidence gathered by authors in December 2000-January 2001 under EU-INTAS research (99-0245).

an ‘opportunity for people to affect decision-making in the country’. The leading majority, however, in contrast, associated democracy with ‘crisis and complete anarchy’ and ‘something different from communism’, ‘mission impossible’ and ‘the political regime of the USA’. A good fifth of respondents found the question difficult and abstained from the answer (13 per cent).

Furthermore, comparison between 1998 and 2003 surveys revealed a definite increase in the number of subscribers to more strict ‘emotional’ judgements. For example, about half of the sampled population in 2003 believe that society should not be tolerant of pluralism if it accommodates extreme views (+13 per cent) and that they would rather ‘live in an orderly, firmly controlled society than allow for certain freedoms that can be used to destroy’ them (+3 per cent). Fewer (46 per cent, +1) were convinced that ‘demonstrations and marches of protest should be banned as breeding extremism and disorder’; about two thirds stated, they did not care who was in power, as long as the situation improved; and about half of the sample noted that they would rather not interfere in politics, as there might be damaging repercussions. Paradoxically, despite their ostensible political passivity, a striking majority (56 per cent) of the Belarusians were regular recipients of news (press and television), and believed that participation in politics was ‘a duty’.

Opinion polls indicated, after nearly fifteen years of change and installation of a democratic framework, the citizens continue to display inconsistent views and contradictory evaluation of the underlying principles of democracy. Of greater concern, however, was the noticeable discrepancy between people’s ‘cognitive’ and ‘emotional’ acceptance of democracy. They may welcome and even abide with ‘new’ institutional settings but concomitantly confess intolerance of dissent and display explicit leniency towards strong leadership and governance by decree (particularly in Belarus). They may welcome elections and a multiparty system, but distrust all levels of government (except for the President) and abstain from voting, by that discarding the assumed partnership between the governed and their governors, and ‘delegating’ their choices, and decisions to *appointed* officials. In other words, the Belarusian population was revealed as more cognitively rather than emotionally ready to embark on the principles of democracy, but appeared to be more ‘authoritarian’ in judgements and, although well-read, it felt they were more withdrawn from the actual process of politics.

It was once noted that in 1998 Belarus had more ‘democrats’ (41 per cent) per head of population than the average for Eastern (30 per cent) and Northern Europe (29 per cent),<sup>34</sup> which nevertheless, does not prevent her from remaining a transitional laggard amongst her neighbours. This analysis does shed light on why such discrepancy takes place, differentiating between cognitive and emotional socialisation of democratic norms. As has been shown, although Belarusians may be seen as a democratically minded nation with respect to their attitudes and judgements, emotionally their allegiances remain committed to their non-democratic past.

---

<sup>34</sup> Christian Haerpfer, *Democracy and Enlargement*, p. 44

Hobbes in 'The Citizen' said: 'Man is made fit for society not by nature but by education',<sup>35</sup> which remains relevant to modern times. The inclusive education of a citizen equipped with knowledge of the system's workings and independent information delivered by mass media, this is what a society (old or new) should strive to achieve. Modern Belarus seems to have encountered a failure in this respect: the general populace are neither 'emotionally', nor 'informatively' ready to engage into building a reciprocal partnership with the government and through that commit themselves to a *collective* undertaking of decisions and responsibilities in the country.

---

<sup>35</sup> Thomas Hobbes, 'The Citizen' (De Cive) in Gert, B. (ed.) *Man and Citizen* (New York: Doubleday, Anchor Books, 1972) p.110n.

**Presentation by Ms. Tatiana Termacic,**  
**Directorate General of Human Rights of the Council of**  
**Europe**

**26 May 2004**

**Belarus' Relationship with Council of Europe**

First of all, I would like to thank UNHCR and the Legal Aid Board of Ireland for having invited me to speak about Belarus. My experience of this country comes from my work as a Programme Adviser in the Directorate General of Human Rights of the Council of Europe. I have been responsible for nearly five years for the Council of Europe's co-operation activities in the human rights field in Belarus, and since this time, I have been there a dozen of times and had the opportunity to acquaint myself with some aspects of the human rights situation. I will try to tell you how I saw some areas where the situation has slightly improved and how in some other areas, it has seriously worsened.

Before I tell you about my experience, I would like to briefly recall the relationship between the Council of Europe and Belarus.

Belarus was granted the Special Guest status by the Parliamentary Assembly of the Council of Europe in March 1993 but this status was suspended in January 1997 following the Referendum of 26 November 1996. Indeed, this Referendum, which modified the 1994 Constitution, greatly increased the powers of the President and substantially weakened the role of the parliament. The Referendum was organised despite a Constitutional Court's decision stating that the Constitution could not be amended by referendum. This was a sign that Belarus was moving away from democracy and for this reason, the procedure for membership of Belarus to the Council of Europe was also suspended at the time.

This situation has not changed since and concretely this means that the Council of Europe does not have any formal relationship with Belarus authorities and that Belarus parliamentarians cannot take part in the Parliament's sessions. However, support for the civil society and for independent media has remained a priority in order to encourage the development of democratic shoots in Belarus.

It is in this context that I became involved in Belarus and that I organised a number of seminars and training activities in co-operation with local non-governmental

organisations. The idea behind it was that the present regime is not eternal and that it is never too early to start preparing for the day when Belarus will be ready to join the Council of Europe and ratify the European Convention on Human Rights, a key commitment expected to be made by all member States. Therefore, these activities focused on some aspects of the European Convention on Human Rights, such as freedom of religion, freedom of expression, freedom of association and the abolition of the death penalty. We also organised a training seminar on international complaint mechanisms with a view to lawyers being equipped to apply to the UN Human Rights Committee and the European Court of Human Rights. While the second mechanism is obviously not yet available in Belarus, I would like to underline that NGOs have been using the mechanism afforded by the First Optional Protocol to the International Covenant for Civil and Political Rights. Indeed, since Belarus ratified the First Optional Protocol in 1992, there were at least 12 complaints made to the UN Human Rights Committee, which has so far delivered views in respect of four of them. In each of these cases, the Committee found a violation of one or several Articles of the International Covenant. International recourse is of considerable importance in the context of the virtual non existence of legal remedies within Belarus, about which I will say more later.

These activities were all organised in co-operation with local NGOs working in the legal field. I would like to stress some positive elements seen in the course of them. Firstly, so far, we were never prevented by the authorities from organising such seminars, for example, by having entry visas denied. Also, although we have been facing some difficulties since 2001, after a presidential decree made bank transfers to non-governmental organisations almost impossible, we always succeeded in finding a solution which respects both Belarus legislation and the Council of Europe's own very strict financial rules. Furthermore, I have always observed great receptiveness to Council of Europe human rights standards by the participants, whether they were from the civil sector or representatives of the authorities, even if they did not always agree with the conclusions of the European Court of Human Rights.

Participants in the seminars came mostly from the civil society and journalists from independent media, but we always invited representatives from the relevant ministries, such as the Ministry of Justice or the Ministry of Interior, from the Presidential Administration, as well as parliamentarians. With regard to the judiciary, it is not possible for a judge to attend a seminar without the authorisation of the president of the Supreme Court and the only time when a judge came as a speaker to a seminar on the abolition of the death penalty, he had to take a day off. However, later even this possibility to take leave to attend a seminar was removed and judges were never authorised to take part in one of our seminars, either as speakers or participants. The situation with the Constitutional Court has been different. We invited one of the judges of the Constitutional Court to take part in several of our seminars and systematically, the president invited himself and made lengthy interventions on the importance of the role of the Court in securing the protection of human rights of Belarus citizens. For someone familiar with the consequences of the 1997 Referendum and the resignation and dismissal of the judges who refused to recognise the results of this Referendum, such interventions were barely credible. However, we still considered it was important for judges of this Court to attend our seminars since their presence might encourage the participation of other officials and we also

believed that they could learn something about Council of Europe human rights standards.

### **Death Penalty**

Certainly, there appears to be at least one example when this happened. As you may know, Belarus is the only country in Europe which still practices the death penalty. In 2003, there were 91 persons under sentence of death held in a special quarter built in Colony No 8. Because they are carried out following a secret instruction, the number of executions actually carried out is unknown but according to some sources, in 2002 and 2003, five persons were executed. The place and date of the execution, which takes place by shooting, is not known to the relatives, or the place of burial. Therefore, the body is not given back to the family.

This is totally unacceptable for Council of Europe member States who have committed themselves to total abolition of the death penalty in Protocols No 6 and 13 of the European Convention on Human Rights. In 2001, when we started raising this issue in Belarus, the abolitionists were not speaking loudly. I remember the president of the Constitutional Court saying in the first seminar we held on this subject that the death penalty was not contrary to the Belarus Constitution and that therefore, the Constitutional Court could not do anything to abolish it. Later, he stated that abolition of the death penalty in Belarus was only a question of time. The situation slowly evolved: after several seminars and publications which the Council of Europe organised in co-operation with a Belarus NGO, the Belarus Parliament organised a hearing in May 2002 in which it recommended to the Government a step-by-step approach from a moratorium on executions to a possible abolition. But, the developments have not stopped there: I was present at a conference we organised in April last year where the president of the Constitutional Court invited parliamentarians to make an appeal before the Constitutional Court on the question on the constitutionality of the death penalty. Eventually, a number of parliamentarians made this appeal and on 11 March 2004, the Constitutional Court reached the conclusion that a moratorium on executions should be established pending total abolition. More generally, it seems that many participants did change their minds during the course of these seminars which focused on the unacceptability and the uselessness of capital punishment. However, such a change in attitudes would not have been possible without the very courageous involvement of a part of the civil society in Belarus.

The Constitutional Court ruling is of course a very significant development in a country where in 2002 and 2003, a total of twelve persons were convicted to capital punishment and where 57% of the population is still in favour of this sentence. However, although signing of a decree by the President of Belarus abolishing the death penalty might demonstrate some willingness to come closer to Council of Europe standards in this respect, it would not lead to a fundamental change in the underlying human rights situation, which is not at all satisfactory.

### **Restrictions on Non-Governmental Organisations**

I would now like to turn to specific aspects of the situation where European human rights standards are not being observed by Belarus authorities and which might be of relevance with regard to granting refugee status or subsidiary protection. I will speak

from the perspective of my own experience, that is from what I have learnt after almost five years of work on Belarus.

I shall start with a relatively new target, which is of particular concern for the Council of Europe because it relates to our direct partners, non-governmental organisations. Indeed, freedom of association is an area where the situation has drastically worsened in the last year and where the sanctions taken against NGOs on administrative grounds have been draconian and totally disproportionate. The first serious threat has been the entry into force in 2001 of a Presidential Decree number 8 on the use of foreign humanitarian aid, which *de facto* prevented NGOs from receiving grants from abroad to organise activities. Pursuant to this decree, each bank transfer from abroad has to be checked by the Presidential Administration and authorised by the President himself. The procedure was in itself so cumbersome that, as a result, co-operation between the Council of Europe and Belarus NGOs has become extremely difficult. Two of the partners with whom we organised activities in 2001 were subsequently subjected to tax inspections despite all the visible rules having been respected. One of them was threatened with a €10,000 fine for alleged violations of the decree – which was a bigger amount than the total grant received from the Council of Europe – and was only then cleared from all fraud accusations after the Council of Europe took it up informally with a Belarus official.

Problems for freedom of association have not stopped there. Last year, the authorities have made an additional step towards the strangling of the civil society sector, by closing major NGOs. In May 2003, four large non-governmental organisations were closed by the Ministry of Justice on totally formal, not to say Kafkaesque, grounds. One of them was accused of using incorrectly drawn-up forms for its events; another one was closed down because it allegedly carried out publishing activity without permission from the authorities; a third one was accused of using the abbreviated name of its organisation in internal documentation. Two of them were major resource centres which helped development of democratic public structures in their respective regions, so their closure had many repercussions on other organisations. Even if the alleged breaches of legal requirements did take place, the response in these cases is clearly disproportionate.

More recently, a major human rights NGO, was accused of tax evasion and was requested by the tax authorities to pay taxes and fines amounting to approximately \$180,000. The dispute was related to a TACIS grant given in the past two years for carrying-out human rights projects, and which was exempt from tax. The Chairperson of this NGO is now a suspect and criminal charges can be brought against her at any moment. As a result, the NGO cannot function in practice and has had to freeze all its activities.

Another NGO, providing legal support to a number of Belarus NGOs in proceedings that led them to being shut-down, was itself also shut-down at the beginning of this year. The NGO had challenged in court the official warnings it had received last year from the Ministry of Justice for allegedly obstructing the work of the Ministry through extending legal consultations to NGOs under official check-up and for publishing articles in a publication of a non-registered association. While the law provides for the right to such representation in civil cases, the Minsk City Court came

to the conclusion that the NGO had violated the law by representing in court the interests of an organisation to which it did not belong.

A few weeks ago, the Supreme Court of Belarus closed down two other non-governmental organisations. The reason invoked for one of them by the Court was “irregularities during the process of re-registration in 1999”. Concretely, it means that two members of the NGO from outside Minsk, after having been asked to come within three days at the regional Branch of the Ministry of Justice to give explanations on their membership in the NGO, denied their membership and their former application for membership. The Director of the NGO asked for the opportunity to include other members instead of them but was refused to do so.

Apart from the fact that they must cease to exist physically, one of the main consequences of these closures is that, as non-registered NGOs, their offices must be closed, their documentation given to the authorities and they cannot receive any grants anymore. In parallel to these closures, a number of government NGOs have been recently created with the aim of attracting foreign grants, such as from TACIS. The NGOs which have been closed down or which existence is at stake are concerned that either Government-Organised Non-Governmental Organizations created by people close to the authorities will get grants, or the international community will stop all support to the Belarus civil society. Both things are bad for the country.

### **Restrictions on the Independent Media**

Another problematic area, which is of particular importance for the Council of Europe, is the situation of the independent media. Although the independent media have been a target of the present regime since the 1996 Referendum, there has been a particular deterioration over the last few years. During its last session, the Parliamentary Assembly of the Council of Europe adopted a Resolution and a Recommendation with regard to the persecution of the press in the Republic of Belarus. I am not going to repeat what is in these documents but just summarise the main areas of concern:

- The absence of a truly independent investigation into the disappearance and alleged extra-judicial execution of the journalist Dmitri Zavadski;
- The systematic harassment and intimidations carried out by State officials, including the Ministry of Information, against journalists, editors and media outlets, as well as the Belarussian Association of Journalists which are critical of the President or the Government of Belarus;
- The existence and the use by courts of provisions of the Criminal Code which allows imprisonment, including forced labour, of journalists for criticism of the President and State officials;
- The existence and use of administrative sanctions and oral reprimands against media by the Ministry of Information, in violation of the principle of the separation of the executive power and the judiciary;
- The high level of State control over the electronic and printed media and the consequences it might have in the parliamentary elections scheduled to take place in the autumn 2004;
- The lack of legislative reform in the media field in co-operation with the Council of Europe and other organisations such as the OSCE.



One of the only sources of so-called independent sources of information is Russian TV channels. For example, they were the only ones to report on the debate which took place at the last session of the Parliamentary Assembly where a Resolution and a Recommendation on Disappeared Persons in Belarus were also adopted. Belarus TV channels did not mention this debate and the adoption of these documents at all. In this context, I would like to express my regret that a project of the Institute for War and Peace Reporting on Belarus, financed by the British Foreign and Commonwealth Office, has closed after 15 months of existence. This project, in its short life, provided a very rich source of non-partisan information on Belarus. The archives can still be accessed via the internet but unfortunately, it has ceased to exist.

On internet access, many people seem to have the feeling that their communications are intercepted and I have myself exercised caution in my internet correspondence with Belarus partners. The Parliamentary Assembly was a direct victim of email interceptions as the Rapporteur on Disappeared persons in Belarus was denied a meeting with interlocutors in Minsk after the authorities found out about his preliminary findings by intercepting communication with the Secretariat and his contacts in Minsk. Also, many Belarusians have Russian email addresses. These elements might constitute a beginning of evidence of the allegation that the .by server is located in the basement of the KGB in Minsk.

### **Restrictions on Academic Freedom**

With regard to academic freedom, the situation also seems to be worsening. Of course, nobody is telling professors what to say or not to say to their students but the introduction of the so-called State ideology class and certain speeches by the President of Belarus and the Minister of Education are seen by many as a threat to those who do not agree with the State policy. Therefore, the fear among academics has increased and I am sure that we all see how this can easily lead to self-censorship. Certainly, one academic who teaches in a university outside Minsk and who is the leader of a branch of an opposition political party has been asked by the University administration to leave. Furthermore, two other persons teaching in a university were asked to resign - which they did - because they published articles in the independent press.

One of the rare places where one could freely express himself or herself in the framework of his professional activities until recently was the National Academy of Sciences. This has also changed after a Presidential decree of 2001 reformed the method of appointment of the President of the Academy. Since then, he is appointed by the President of the Republic of Belarus, who can also relieve him from his duties. Furthermore, the Presidium of the National Academy of Sciences which used to elect the president was abolished. The current President of the Academy is a former chief of the Presidential Administration. He is not an academic and was never even a member-correspondent of the Academy. In 2002, another Presidential decree joined together the Academy of Agrarian Science and the National Academy of Science to create a new Academy with public authority functions. A High Certifying Commission was also established, and it is this commission which is the final organ that decides whether to give to someone a scientific degree or academic status. A

direct consequence of this reform is that scientists are likely to be inhibited from expressing their views freely if they wish to make sure of advancement.

However, lack of resources is probably another significant threat to scientific activity. More and more scientists and researcher leave Belarus when they have such an opportunity. According to some sources, about 70 members of the National Academy of Science who have a PhD or higher qualification leave the country every year. They are attracted not only by better salaries, but also better research facilities, as most of the scientific equipment available in Belarus is out of date. Furthermore, people who have left the country temporarily for professional reasons have not yet returned: many prefer to find casual jobs after their temporary contracts came to an end instead of returning to Belarus. Those who fear persecution will return after the change of the regime, but probably not those who left for economic reasons.

### **Restrictions on Religious Freedom**

I would like now to turn to the question of freedom of religion. It has become increasingly difficult for non Russian Orthodox to practice in peace their belief. Before giving you some examples, I will give you a brief overview of the legal situation.

The 1996 Constitution which was adopted after the controversial referendum I mentioned earlier provided a new wording for its article 16 related to religion. It states the following:

*Religions and faiths shall be equal before the law.*

*Relations between the State and religious organisations shall be regulated by the law with regard to their influence on the formation of the spiritual, cultural and state traditions of the Belarusian people.*

*The activities of confessional organisations, their bodies and representatives, that are directed against the sovereignty of the Republic of Belarus, its constitutional system and civic harmony, or involve a violation of civil rights and liberties of its citizens as well as impede the execution of state, public and family duties by its citizens or are detrimental to their health and morality shall be prohibited.*

With such wording, the constitutional grounds for prohibiting activities of religious organisations were significantly extended.

Furthermore, a new Law on Freedom of Conscience and Religious Organisations was adopted on 6 November 2002. Its preamble recognizes:

*The defining role of the Orthodox Church in the historical formation and development of spiritual, cultural, and state traditions of the Belarussian people; the spiritual, cultural and historical role of the Roman Catholic Church in the territory of Belarus; the inseparability from the General history of the Belarussian people of the Lutheran Church, Judaism and Islam.*

This provision has been interpreted by some religious organisations as having a discriminatory impact. Certainly, this was the view taken by Protestant communities, which number has quadrupled since 1989; the Union of Evangelical Christian Baptists, the Union of Evangelical Faith Christians, the Association of Communities of Full Gospel Christians and the Conference of Christian Adventists have all condemned the law.

Under the new law, re-registration of religious communities is compulsory and the procedure is extremely complicated. Re-registration has to take place every two years. All un-registered communities are deemed illegal. In reality, this means that non-registered communities cannot have property, cannot hold services, cannot receive funds. Even before it entered into force, a number of Protestant and other non-traditional faiths faced the situation where they were refused the right to own property necessary to qualify as a legal address for registration purposes. The Full Gospel Pentecostal communities have been often refused registration on this ground. A recent case involved the Belarussian Autocephalous Orthodox People's church which was denied the right to register. This church considers itself independent of Russian Orthodoxy, and holds its services in Belarussian, contrary to those of the Russian Orthodox Church. In 2003, one of the priests decided to build a church on land that was designated for his house. On the eve of the church's inauguration, armed police surrounded the village, situated near the Polish border and bulldozers moved in to demolish the construction. Church-goers thus have to congregate in secret.

The pre-eminence given to the Russian Orthodox Church means that all other religious communities are more or less treated the same. Although Judaism is mentioned in the preamble of the Law, there were some cases of institutional anti-Semitism. An example is the renovation work conducted at a stadium in Grodno that was originally built on a Jewish cemetery. Some human remains were seen in the earth from the site used to resurface a road. It also happened that government officials made anti-Semitic and anti-Muslim comments in the media. In some cases, nothing was done by the authorities to prevent the sale of anti-Semitic literature. Isolated incidents of attacks on Jews also happened.

### **Criminal Justice Policy**

I would now like to turn briefly to Belarus's criminal justice policy. Belarus suffers from the fourth highest rate of the world prison population ratio with 554 prisoners per 100,000 inhabitants in 2003. However, when a poll was made by the Novak sociological laboratory in Minsk asking judges whether they agreed with the prison sentences they gave, more than 50% said that they did not agree with the sentences they pronounced themselves.

The way the authorities tackle overcrowding is to organise an amnesty every year. 32,000 prisoners were involved in the last amnesty: 6,000 persons were released and 12,000 received a shorter sentence. According to a recent article in the Belarus press, today, there are 44,500 persons in prison, while in 1999, there were more than 63,000. This figure shows a slight improvement but the average space available for each prisoner is 1.7 square meters, which is not in conformity with European Committee for the Prevention of Torture Recommendations that recommend 4 square meters per prisoner.

I already mentioned the situation with regard to the death penalty. Life imprisonment was introduced in the Criminal Executive Code and the Code of Criminal Procedure on 31 December 1997 and the correspondent articles were introduced in the new Criminal Code, which came into force on 1 January 2001. After 1998, the number of sentences to capital punishment diminished, but more people are being convicted for the same crimes now that there is life imprisonment. In 1998, the first year where such a possibility was given to judges, 47 people were convicted to death and 3 to life imprisonment. In 1999, 13 persons were convicted to death and 33 to life imprisonment, in 2000, the ratio was 4 to 17, in 2001, 7 to 11 and in 2002, 7 to 21. Today, there are 101 persons serving a life sentence imprisonment.

One of the biggest problems in Belarus with regard to the human rights situation is that there are no effective remedies because there is no independent judiciary. Judges themselves do not trust their own decisions. Judges have to apply the law as they are instructed to do and one example was the confirmation by the courts of all decisions by the Ministry of Justice to shut down NGOs.

The Bar is also not in good shape. Indeed, a presidential decree provides that every member of the Bar should re-apply to the Ministry of Justice for the issuing of a new licence every five years (these five years were changed "from five to ten"). I was told by a member of the Bar that any nomination and re-issuing of the licence should be approved by the Security Council. It should also be noted that the present chairperson of the Minsk Bar used to be part of the Presidential Administration. One can then come to the conclusion the independence of the Bar is not guaranteed in Belarus.

I would like to underline that in the former Soviet countries, there is a tradition that non-professional lawyers can defend people in certain trials. In May 2003, a Presidential Decree came into force preventing human rights activists representing people in civil law cases and minor offences. It must be borne in mind that most actions against the opposition and independent media are of this nature. The press office of the President of Belarus explained this decree as a way to ensure that people got a proper defence in court through professional lawyers. However, human rights campaigners are involved in about 500 cases a year and are actually intervening because professional lawyers are too afraid to take up such cases. Indeed, they risk losing their license, which has to be renewed.

## **Conclusion**

You may have noticed that until now I concentrated mostly on the human rights situation of activists, journalists and criminals or alleged ones. The reason for this is that, actually, for most people the most important human rights problems are not civil and political but economic and social. One must not forget that until recently, the current regime was popular among the elderly and rural population. The opposition could be found mostly in Minsk among the educated population. Today, the dissatisfaction grows not because of human rights violations and the character of the regime but because of the worsening economic situation. Many of the people I know in Belarus used to go to Poland for shopping, because it is cheaper there. I am not speaking about fancy clothes, but about basic food such as oil, carrots and potatoes.

Recently, special limitations were introduced for crossing the border and one person cannot take into Belarus more than 10 kilos of agricultural products.

In the end, I would like to refer to the Parliamentary Assembly documents related to disappeared persons in Belarus. I have not spoken at all about these cases, but you can read the excellent report which was prepared by Mr Pourgourides. The only thing I would like to add is that the relatives of the disappeared are now making strong appeals to the international community that those countries who have international jurisdiction in their legislation start prosecuting those allegedly responsible for these crimes.

As a conclusion, I would like to say that until a change in the nature of the regime occurs, people in Belarus will remain vulnerable.

### About the country experts

**Elena Korosteleva - Polglase** is a Lecturer in the Department of International Politics at the University of Wales, Aberystwyth. She completed her British Academy Postdoctoral Research Fellowship at the Politics Department, University of Glasgow . She is the holder of a PhD degree in Sociology (1997) from the Belarusian State University ( Minsk ), an MA degree in European Politics from Manchester University (1998), and a PhD degree in European Studies from the University of Bath (2001).

**Tatiana Termacic** is an Administrator in the Human Rights Co-operation and Awareness Division of the Directorate General of Human Rights of the Council of Europe.

## **Bibliography – Belarus**

### **Amnesty International**

Annual Reports 2004 and 2005

Belarus: Detentions and beatings continue after elections (22-3-2006)

Belarus: Tightening the screws on dissent (14-3-2006)

Belarus: Georgians held as prisoners of conscience as clampdown on opposition continues (31-8-2005)

Belarus: Suppressing the Last Voices of Peaceful Dissent – (1-5-2005) Amnesty Country Report

Belarus: Action is needed to stop violations of the Right to Freedom of Expression and Association (15.12.2004)

Belarus: Opposition cannot be stifled (20-10-2004)

Belarus/Uzbekistan: The last executioners (4-10-2004)

Belarus: Imprisoned for publishing a poem (10-9-2004)

Belarus: No freedom of expression (10-6-2004)

### **Council of Europe**

Parliamentary Assembly: Persecution of the press in the Republic of Belarus -Doc. 10107 (12-3-2004)

Parliamentary Assembly: Persecution of the press in the Republic of Belarus -Doc. 10165 (28-4-2004)

Parliamentary Assembly Situation in Belarus on the eve of the presidential elections - - Doc. 10814 (25-1-2006)

Belarus in the aftermath of the Presidential election of 19 March 2006 (13-4-06)

### **Freedom House**

Freedom House - Freedom in the World 2005 (08-2005)

Freedom House - Nations in Transit 2005 (15-6-2005)

Freedom House - The worst of the worst: the world's most repressive societies 2005

### **International Helsinki Federation for Human Rights (IHF)**

Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2006 (Events 2005); 2005 (Events 2004)

The Assault on Human Rights Defenders in the Russian Federation, Belarus and Uzbekistan: Restrictive Legislation and Bad Practices (29-3-2006)

### **Human Right Watch**

Annual Reports on human rights situation in 2004; 2005.

### **Radio Free Europe Radio Liberty**

Numerous reports

### **United Nations**

United Nations Commission on Human Rights Working Groups on Minorities: Report on arbitrary detention – Mission to Belarus (25-11-2004)

United Nations Commission on Human Rights (CHR) - Report of the Special Rapporteur on the situation of human rights in Belarus (16-1-2006)

United Nations High Commissioner for Refugees - Basis of Claims and Background Information on Asylum-Seekers and Refugees from the Republic of Belarus (10-2004)

United Nations High Commissioner for Refugees -Western Newly Independent States: Belarus, Moldova and Ukraine: Planning Year: 2006 (1-9-2005)

**United States**

US Department of State Country Reports on Human Rights Practices 2003, 2004, 2005 (Released by the Bureau of Democracy, Human Rights and Labor)

US Commission on International Religious Freedom (USCIRF) - Reports on Belarus (2003-2006)

US Department of State Annual Report on Religious Freedom 2004, 2005 – Belarus

**9<sup>th</sup> European Country of Origin Information Seminar**  
Refugee Documentation Centre, Ireland and UNHCR

On  
**Belarus, Pakistan, Russian Federation, Somalia**  
26, 27 May 2004, Dublin

**Great Southern Hotel**  
Dublin Airport  
Co. Dublin  
Ireland  
Tel: +353 1 8446000, Fax: + 353 1 8446001  
Email: [res@dubairport-gsh.com](mailto:res@dubairport-gsh.com)

## **Agenda**

### **26 May 2004**

9.00 am Welcome and Introduction by:

**Ms Pia Prütz Phiri**  
*UNHCR Ireland*

**Ms Fiona Morley & Mr Ryan Nelson**  
*Refugee Documentation Centre*

### **26 May 2004**

<b>Group A Russian Federation (including Chechnya)</b>	<b>Group B Belarus</b>
9.30 Country of Origin Background:  Mr. Steve Crawshaw <i>Human Rights Watch</i>  Additional Remarks:  Mr. Jean Paul Cavelieri <i>UNHCR Moscow</i>	9.30 Country of Origin Background:  Dr. Elena Korostoleva-Polglase <i>British Academy Research Fellow</i>  Additional Remarks:  Ms Tatiana Termacic <i>Council of Europe</i> <i>Directorate General of Human Rights</i> Ms. Inna Borisevich <i>UNHCR Minsk</i>
Questions and Answers	Questions and Answers
11.00 Coffee Break	11.00 Coffee Break



<p>11.30 Refugee Status Determination and Human Rights Related Issues:</p> <p>Mr. Jean Paul Cavelieri <i>UNHCR Moscow</i></p> <p>Additional Remarks: Mr. Steve Crawshaw <i>Human Rights Watch</i></p> <p>Questions and Answers</p>	<p>11.30 Refugee Status Determination and Human Rights Related Issues:</p> <p>Ms Tatiana Termacic <i>Council of Europe</i> <i>Directorate General of Human Rights</i></p> <p>Additional Remarks:</p> <p>Dr. Elena Korostoleva-Polglase <i>British Academy Research Fellow</i> Ms. Inna Borisevich <i>UNHCR Minsk</i></p> <p>Questions and Answers</p>
<p>13.00 Lunch</p>	<p>13.00 Lunch</p>
<p><b>Group A Belarus</b></p>	<p><b>Group B Russian Federation (including Chechnya)</b></p>
<p>14.00 Country of Origin Background:</p> <p>Dr. Elena Korostoleva-Polglase <i>British Academy Research Fellow</i></p> <p>Additional Remarks:</p> <p>Ms Tatiana Termacic <i>Council of Europe</i> <i>Directorate General of Human Rights</i> Ms. Inna Borisevich <i>UNHCR Minsk</i></p> <p>Questions and Answers</p>	<p>14.00 Country of Origin Background:</p> <p>Mr. Steve Crawshaw <i>Human Rights Watch</i></p> <p>Additional Remarks:</p> <p>Mr. Jean Paul Cavelieri <i>UNHCR Moscow</i></p> <p>Questions and Answers</p>
<p>15.30 Coffee Break</p>	<p>15.30 Coffee Break</p>
<p>16.00 Refugee Status Determination and Human Rights Related Issues:</p> <p>Ms Tatiana Termacic <i>Council of Europe</i> <i>Directorate General of Human Rights</i></p> <p>Additional Remarks:</p> <p>Dr. Elena Korostoleva-Polglase <i>British Academy Research Fellow</i> Ms. Inna Borisevich <i>UNHCR Minsk</i></p>	<p>16.00 Refugee Status Determination and Human Rights Related Issues:</p> <p>Mr. Jean Paul Cavelieri <i>UNHCR Moscow</i></p> <p>Additional Remarks:</p> <p>Mr. Steve Crawshaw <i>Human Rights Watch</i></p>

Questions and Answers	Questions and Answers
17.30 Closure of the First day	17.30 Closure of the First Day
18.30 Coach to Social Supper & “Hooley Night” at Johnnie Foxes ( <a href="http://www.jfp.ie/">http://www.jfp.ie/</a> )	18.30 Coach to Social Supper & “Hooley Night” at Johnnie Foxes ( <a href="http://www.jfp.ie/">http://www.jfp.ie/</a> )

## 27 May 2004

<b>Group A and B</b>
9.30 Country of Origin Background:  Mr. Abdi Rashid <i>Concern</i>  Additional Remarks:  Dr Martin Hill <i>Amnesty International</i>  Questions and Answers
11.00 Coffee Break
11.30 Human Rights Related Issues:  Dr. Martin Hill <i>Amnesty International</i>  Additional Remarks:  Mr. Abdi Rashid <i>Concern</i>  Questions and Answers
12.30 Lunch
13.30 Country of Origin Background:  Mr. Afrasiab Khattak <i>Pakistan Human Rights Commission</i>  Additional Remarks:  Mr Indrika Ratwatte <i>UNHCR Pakistan</i>  Questions and Answers
15.00 Coffee Break
15.15 Refugee Status Determination and Human Rights Related Issues:

Mr Indrika Ratwatte  
*UNHCR Pakistan*

Questions and Answers  
16.30 Closure of the Seminar



## 9th European Country of Origin Information Seminar

Refugee Documentation Centre, Ireland and UNHCR On

Belarus, Pakistan, Russian Federation, Somalia

26-27 May 2004, Dublin

### LIST OF PARTICIPANTS

No.	Country	Name	Organization	Address
Government, NGO, Lawyers participants by country				
1	Austria	Dr. Christian FILZWIESER	Federal Asylum Office	Lanstraßer Hauptstraße 171 1030 Vienna ph: +431531265942 fax: +4317108650 christian. fi Izwieser@bmi.gv.at
2	Austria	Mr. Reinhold JA WHARI	ACCORD	Austrian Red Cross Wiedner Hauptstraße 32, A-1041 Vienna Ph: +43158900585 Fax: +43158900589 iawhari@redcross.or.at
3	Austria	Ms. Judith PUTZER	Independent Federal Asylum Senate	Laxenburgerstraße 36, 1100 Vienna Ph: +431601494367 Fax: +431601495555 Judith.putzer@ubas.gv.at
4	Belarus	Ms. Natallia KRUTOSKAYA	Refugee Counselling Service	Olshevskogo 74 220 104 Minsk Ph: +375172285968 Fax: +375172285964 natalie@un.minsk.bv
5	Belgium	Mr. Niko VERVOORT	Office of the Commissioner General for Refugees and Stateless Persons	North Gate 1 Albert II- Laan 6, 1000 Brussels ph: +3222055624 fax: +3222055124 niko. vervoort@ibz.[gov.be

6	Bulgaria	Ms. Anna ANDREEV A	State Agency for Refugees	21 Montevideo Str. 1618 Sofia Ph: +35928181208 Fax: +35929559476 arefcmspnet.net
7	Bulgaria	Ms. Maria VRANESCU	Sofia City Court Administrative Department	2 Boulevard Vitosha 1000 Sofia Ph: +35929219298 Fax: + 35929273414
8	Canada	Ms. Zaneta PLOCICA	Immigration and Refugee Board	344 Slater Street 12th Floor Ottawa, Ontario KIA OKI Ph: + 6139953513 Fax: +6139416198 Zaneta.plocica@irb-cisr.gc.ca
9	Canada	Ms. Beverley ROBERTS	Immigration and Refugee Board	344 Slater Street 11th Floor Ottawa, Ontario KIA OKI Ph: + 6139953513 Fax: +6139416198 beverlev.roberts@irb-cisr.gc.ca
10	Cyprus	Ms. Kasia DEMETRIOU	Asylum Service, Ministry of the Interior	Demostheni Severi Ave. 1457 Nicosia Ph. +35722867764 Fax: +35722867671 kasiademetriou@vahoo.gr
II	Czech Republic	Mr. Vaclav TOMANIK	Dept. for asylum and Migration, Ministry of the Interior	P O Box 21/0AM 17034 Prague <a href="mailto:opu@mvcr.cz">opu@mvcr.cz</a>
12	Denmark	Ms. Hanne MUNK	Documentation and Research Division, Danish Immigration Service	Rysgade 53 2100 Copenhagen <a href="mailto:hgecmudlst.dk">hgecmudlst.dk</a>
13	Finland	Ms. Sirpa RANTA	Directorate of Immigration	P O Box 18 00581 Helsinki Ph: +358947655728 Fax: +358947655819 sirpa.ranta@uvi.fi

14	France	Ms. Marion RAOUL	Documentation et Recherches, OFPRA	210 rue Camot 94136 Fontonay-sous-bois Ph: +33158681853 Fax: +33158681349 Marion.raoul@ofpra.gollv.fr
15	Hungary	Mr. Gabor GYULAI	Hungarian Helsinki Committee	Budapest 1073 Kertesz Utca 42-44 Ph: +3513214141 Fax: +3613214141 Gabor.gyulai@helsinki.hu
16	Hungary	Ms. Judit pAPAI	Municipal Court of Budapest	1055 Budapest Mark6 Utca 27.1 Floor 2 Ph: +3613546774 Fax: +3613546045 papai i@fovaros.birosag.hu
17	Ireland	Ms. Melissa BAKER	Amnesty Ireland	48 Fleet Street Dublin 2 Ph: +35316776361 Fax: +35316776392 mbaker@amnestv.ie
18	Ireland	Mr. Leo BRENNAN	Office of the Refugee Applications Commissioner	79-83 Lower Mount Street Dublin 2 Ph: +35316028000 Fax: +35316028122 librennan@orac.ie
19	Ireland	Mr. David DELANEY	Office of the Refugee Applications Commissioner	79-83 Lower Mount Street Dublin 2 Ph: +35316028000 Fax: +35316028122 dmdelanev@orac.ie
20	Ireland	Mr. Alan FARRELLY	Office of the Refugee Applications Commissioner	79-83 Lower Mount Street Dublin 2 Ph: +35316028000 Fax: +35316028122 alfarrelly@orac.ie
21	Ireland	Mr. Peter FITZMAURICE	Irish Centre for Human Rights	National University of Ireland Galway Ph: + 35391524411 (ext.0265) Fax: +35391750575 Peter.Fitzmaurice@nuigalway.ie

22	Ireland	Ms. Claire GAYSON	Repatriation Unit, Dept. of Justice	13-14 Burgh Quay Dublin 2 Ph: +35316167700 F+35316167767 Claire L. Gavson@iustice.ie
23	Ireland	Ms. Cabrini GIBBONS	Irish Refugee Council	88 Capel Street Dublin 1 Ph: +35318730042 Fax: +35318730088 refugee@iol.ie
24	Ireland	Ms. Marisa GOMEZ	Refugee Appeals Tribunal	6-7 Hanover Street East Dublin 2 Ph: +35314748400 Fax: +35314748410 Marisa L. Gomez@refappeal.ie
25	Ireland	Ms. Therese HAND	Refugee Appeals Tribunal	6-7 Hanover Street East Dublin 2 Ph: +35314748400 Fax: +35314748410 Therese X. Hand@refappeal.ie
26	Ireland	Ms. Catriona KIRWAN	Office of the Refugee Applications Commissioner	79-83 Lower Mount Street Dublin 2 Ph: +35316028000 Fax: +35316028122 cmkirwan@orac.ie
27	Ireland	Mr. JOM McDAID	Refugee Legal Service	48-49 North Brunswick Street Smithfield, Dublin 7 Ph: +35316469600 Fax:+35316710200
28	Ireland	Ms. Bernadette McGONIGLE	Refugee Legal Service	Jones Engineering Building, Little Island, Cork Ph: +353214510000 Fax: +353214510048
29	Ireland	Ms. Carmen MONCLUS	Refugee Legal Service	48-49 North Brunswick Street Smithfield, Dublin 7 Ph: +35316469600 Fax:+35316710200

30	Ireland	Ms. Paula O'BRIEN	Office of the Refugee Applications Commissioner	79-83 Lower Mount Street Dublin 2 Ph: +35316028000 Fax: +35316028122 peobrien@orac.ie
31	Ireland	Mr. Tom O'SULLIVAN	Refugee Legal Service	Seville House, New Dock Road Galway Ph: +35391562480 Fax: +35391562599
32	Ireland	Ms Claire QUILLINAN	Refugee Appeals Tribunal	6-7 Hanover Street East Dublin 2 Ph: +35314748400 Fax: +35314748410 Claire A. Ouillinan (ii) retappeal.ie
33	Ireland	Mr. John RYAN	Refugee Appeals Tribunal	6-7 Hanover Street East Dublin 2 Ph: +35314748400 Fax: +35314748410 John S. Rvan@refappeal.ie
34	Ireland	Mr. Neil SHANNON	Office of the Refugee Applications Commissioner	79-83 Lower Mount Street Dublin 2 Ph: +35316028000 Fax: +35316028122 ncshannon@orac.ie
35	Ireland	Ms. Anita TOOLAN	Office of the Refugee Applications Commissioner	79-83 Lower Mount Street Dublin 2 Ph: +35316028000 Fax: +35316028122 aatoolan@orac.ie
36	Latvia	Ms. Liga VIJUPE	Office of Citizenship and Migration Affairs	Raina Boulevard 5 Riga LV -1050 Ph: +3717219498 Fax: +3717331123 Liga.vijupe@pmlp.g.ov.lv
37	Lithuania	Ms. Dalia DZIMIDIENE	Migration Department Ministry of the Interior	Sventaragio Str. 2 01122 Vilnius Ph: +37052717187 Fax: +37052718210 Dalia.dzimidiene@vrm.lt



38	Lithuania	Mr. Valerijus OSTROVSKIS	Lithuanian Red Cross Society	Gedimino Ave. 3a Vilnius Ph: +37052127322 Fax: +37052619923 oldvalera@yahoo.com
39	Luxembourg	Ms. Jacqueline GUILLOU	Ministry of Justice	L-2934 Luxembourg Ph: +35247784565 Fax: + 3524784572 Jacqueline.guillou@mi.etat.lu
40	Luxembourg	Mr. Pascal SIGNORE	Ministry of Justice	L-2934 Luxembourg Ph: +35247784572 Fax: + 3524784572 pascal.signore(mmi .etat.l u
41	Netherlands	Ms. Claudia BIEGEL	Dutch Refugee Council	Jacques Veltman Straat 29 Amsterdam Ph: +31203467250 Fax: +31206178155 cb iegel@vluchtelingenwerk.nl
42	Norway	Mr. Jan Olav BARSTAD	Immigration Appeals Board	Postboks 8165 Dep 0034 Oslo Ph: + 4721085118 Fax: + 4721085001 iba@une.no
43	Norway	Mr. Andreas FURUSETH	NOAS	PO Box 8893 Y oungstorget 0028 Oslo Ph: +4722365660 Fax: +4722365661 noas@noas.org
44	Norway	Ms. Hanne ROSSING JENSEN	Directorate of Immigration	PO Box 8108 Dep 0032 Oslo Ph: +4723351987 hri@udi.no
45	Poland	Mr. Pawel DOMANSKI	Office for Repatriation and Aliens	16 Koszykowa Str. 00-564 Warsaw Ph: +482260154 Fax: + 48226014609 p.domanskhro,uric.gov.pl

46	Poland	Mr. Bartomiej TOKARZ	Helsinki Foundation for Human Rights	VI. Zgoda 00-018 Warsaw Ph: +48225564466 Fax: + 48228281008  b.tokarz((V,hfurpol. waw.pl
47	Romania	Mr. Stefan LEONESCU	Romanian National Council for Refugees	42 Anton Pann Str Sector 3 Bucharest <a href="mailto:leonescu@cnrr.ro">leonescu@cnrr.ro</a>
48	Romania	Mr. Eleodor PIRVV	National Refugee Office	15A Lt. Col. Marinescu Constatin Str. Sector 5 Bucharest  EJeodor.pirvu((V,onr .ro
49	Slovenia	Ms. Doris SATTLER	Fundacij ia 2000- GEA	Mestni TRG 9 Ph: + 38612410545 Fax: + 38612410545  indoc@fundaciia-gea2000.si
50	Slovenia	Mr. Ziga TOMC	Asylum Section, Ministry of the Interior	Ceslovska 166 1000 Ljubljana Ph: +38615193437 Fax: +38615194065  Ziga.tomc((V,mnz.si
51	Slovakia	Ms. Maria ROZAROVA	Slovak Helsinki Committee	Grosslingova 4 81109 Bratislava Ph: +421252968875 Fax: +421252968876  rozarova@shv.sk
52	Slovakia	Dr. NataSa SLAVIKOVA	Migration Office, Ministry of the Interior	Pivonkova 6 81272 Bratislava Ph: +421248254106 Fax: +421243414759  slavikon{a!minv.sk
53	Sweden	Ms. Rebecca STERN	Refugee Advice Centre	Gyllenstierngatan 14 511524 Stolholm Ph: +4686637112 Fax: +4686650940  Rebecca.stem@radgivningsbvrn.org

54	United Kingdom	Mr. Tony FLETCHER	Refugee Legal Centre	Nelson house 153 Commercial Road London E1 2DA Ph: +442077803310 Fax: + 442077803318 tfletche@refugee-legal-centre.org.uk
55	United Kingdom	Mr. Andrew Saunders	UK Home Office CIPU	3rd Floor Apollo House 36 Wellesley Road Croydon CR9 3RR Ph: +442087608379 Fax: +442087608666 Andrew .saunders@homeoffice.gsi.gov.uk
56	United Kingdom	Ms. Amanda SHAH	Immigration Advisory Service	Country House 190 Great Dover Street London SE 1 9YB Ph: + 442079671290 Fax: +442079671456 A manda.shah(cV,iasuk. org
<b>UNHCR Participants</b>				
57	Azerbaijan	Mr. Elmar BAGIROV	UNHCR Office Baku	30 Jafar Jabbarli Baku 371165 Ph: +99412921443 Fax: +99412981134 bagirov((V,lnhcr.ch
58	Azerbaijan	Mr. Thomas F AUSTINI	UNHCR Office Baku	30 Jafar Jabbarli Baku 371165 Ph: +99412921443 Fax: +99412981134 Faustini(cV,unhcr.ch
59	Belarus	Ms.Inna BORISEVICH	UNHCR Office Minsk	Partizansky Av 6A- 6 Floor 220033 Minsk Tel: +375172277883 Fax: +375172270800 inna@ln.minsk.bv
60	Ireland	MsPia PRUTZ PHIRI	UNHCR Office Dublin	Merrion House 1-3 Fitzwilliam St. Lower, Dublin 2 Ph: +35316314510 Fax: +35316314616 iredu@unhcLch

61	Ireland	Ms. Natasha YACOUB	UNHCR Office Dublin	Merrion House 1-3 Fitzwilliam St. Lower, Dublin 2 Ph: +35316314510 Fax: +35316314616 <a href="mailto:iredu@unhcr.ch">iredu@unhcr.ch</a>
62	Russian Federation	Mr. Gang LI	UNHCR Office Moscow	39/41 Izmailovsky Bulvar 105264 Moscow Ph: +95465310 I Fax: +954653556
63	Spain	Ms. Isabel DE LAS CASAS	UNHCR Office Madrid	General Peron 32 28020 madrid <a href="mailto:casas@unhcr.ch">casas@unhcr.ch</a>
64	Turkey	Mr. Keith JORDAN	UNHCR Status Determination and Protection Unit, Ankara	Ph: +903124411696 Fax: +903124411738 <a href="mailto:jordan@unhcr.ch">jordan@unhcr.ch</a>
<b>Country Experts</b>				
65	Belarus	Dr. Elena KOROSTELEV A- POLGLASE	British Academy Research Fellow	Rm. S I 06 Adam Smith Building Department of Politics University of Glasgow 40 Bute Gardens G 12 8RT Ph: +441413306445 Fax: +441413305071 <a href="mailto:E.A.Korosteleva@socsci.gla.ac.uk">E.A.Korosteleva@socsci.gla.ac.uk</a>
66	Belarus	Ms. Tatiana TERMACIC	Council of Europe Directorate for Human Rights	67075 Strasbourg Cedex Ph:+33388413155 Fax: +33388413988 <a href="mailto:tatiana.termacic@coe.int">tatiana.termacic@coe.int</a>
67	Pakistan	Mr. Aftasiab KHATTAK	Pakistan Human Rights Commission	Aiwan-I-Jamjoor, 107- Tipu Block New Garden Town, Lahore - 54600 Ph:+92425838341 Fax: +920425883582 <a href="mailto:hrcp@hrcp-web.org">hrcp@hrcp-web.org</a>

68	Pakistan	Mr. Indrika Ratwatte	UNHCR Office Islamabad	Quaid-i-Azam University Road, Diplomatic Enclave 2, Sector G-4/2, Islamabad Ph: +925128295026 Fax: +92512279455 ratwatte@unhcr.ch
69	Russian Federation	Mr. Jean Paul CAVALIERI	UNHCR Office Moscow	39/41 Izmailovsky Bulvar 105264 Moscow Ph: +954653101 Fax: +954653556 cavalier@unhcr.ch
70	Russian Federation	Mr. Steve CRA WSHA W	Human Rights Watch	2-12 Pentonville Road London N1 9FP United Kingdom Ph: +442077131995 Fax: +442077131800 steve.cra \vshaw@hrw.org
71	Somalia	Dr. Martin HILL	Amnesty International International Secretariat	1 Easton Street London WC1X 0DW, Ph: +442074135500 Fax: +442079561157 mhill@amnestv.org
72	Somalia	Mr. Abdi RASHID	Concern	52-55 Lower Camden Street Dublin 2 Ph: +35314754162 Fax: +35314757362 info@concern.ie
Organizers				
73	Ireland	Ms. Elisabeth AHMED	Refugee Documentation Centre	Montague Court, 7-11 Montague Street Dublin 2 Ph: +35314776250 Fax: +35316613113 eaahmed@legalaidboard.ie
74	Ireland	Ms. Georgina DALTON	Refugee Documentation Centre	Montague Court, 7-11 Montague Street Dublin 2 Ph: +35314776250 Fax: +35316613113 gdalton (a),legalaidboard. ie

75	Ireland	Ms. Fiona MORLEY	Refugee Documentation Centre	Montague Court, 7-11 Montague Street Dublin 2 Ph: +35314776250 Fax: +35316613113 fmmorlev@legaidboard.ie
76	Ireland	Mr. Ryan NELSON	Refugee Documentation Centre	Montague Court, 7-11 Montague Street Dublin 2 Ph: +35314776250 Fax: +35316613113 R YN e Ison(a)ella la idboard. ie
77	UNHCR HQ	Mr. Oldrich ANDRYSEK	Protection Information Section	MBT M5097BF 94, Rue Montbrillant 1202 Geneva Ph:+41227398168 Fax: +41227397396 andrvsek@unhcr.ch