

BELARUS: HUMAN RIGHTS DEFENDERS AT RISK

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Public associations engaged in the promotion of democratic values and defense of human rights face constant pressure from the authorities. Depriving NGOs of the right to lease or rent office premises lead to a loss of "legal address" and consequently to the liquidation of the organization. The closures or suspensions of public organizations by courts remain a widespread practice.

In August, the UN Human Rights Committee found that the closure of the Human Rights Centre "Viasna" was a violation of the freedom of association and the Committee decided that the Centre should be reregistered. But the Belarusian authorities ignored the Committee's views and also rejected new application for registration of the Centre. This contradicts the fact that by becoming a state party to the Optional Protocol to the ICCPR, Belarus has recognized the competence of the Human Rights Committee to determine whether there has been a violation of the covenant or not, and pursuant to article 2 of the covenant, Belarus has undertaken to ensure the rights recognized in the covenant, and to provide an effective remedy in cases where a violation has been established.

The Belarusian Helsinki Committee remains the only officially registered human rights organization that still carries out its activities in all the regions of the country; however, it is also on the brink of closure after severe legal pressure for several years, and its leaders threatened with politically motivated tax evasion charges that carry prison terms. In December 2006, the Committee's property was confiscated in a partial satisfaction of the financial sanctions, and the Ministry of Justice's suit on suspension of Committee's activities is still pending in the Supreme Court.

Criminalization of public activities is a key method for silencing human rights defenders. There are broad provisions for closing down NGOs, and in recent years, dozens of independent groups have been liquidated as legal entities on spurious grounds. As a result, most human rights organizations that continue their work in the country are operating outside of the protection of the law and at constant risk of prosecution.

The authorities detain and sentence activists according to Article 193.1 of the Criminal Code (organizing or participating in an activity of an unregistered non-governmental organization), which was added to the Criminal Code in December 2005 and allows bringing criminal action against an unregistered organization even if its activities were not directed against state or public security and did not violate public order or the rights and freedoms of others.

We do believe that the situation with human rights and their defenders will continue to deteriorate if the authorities will ignore their international and domestic obligations. That is why we consider it necessary to monitor the government's abidance by its international commitments including those within OSCE and to undertake urgent and effective measures in cases of violation. The ODIHR focal point for human rights defenders plays an important role here and his mandate should be strengthened, including broad human rights education and promotion as well as urgent actions so as to protect human rights defenders.