

MONITORING REPORT ON DEVELOPMENTS IN BELARUS

March – September 2009

EXECUTIVE SUMMARY

This report captures the key developments concerning civil society in Belarus during the period of March-September 2009. It is the third of a series designed to inform policymakers about developments in Belarus during the ongoing EU-Belarus Dialogue Process. This report has been prepared through the joint efforts of over 50 Belarusian and international civil society organizations.

The Belarusian government's policies have remained largely unchanged since the last monitoring report¹ was released in March 2009. While isolated concessions were made to the political opposition and civil society that allowed them carry out some activities without harassment, repressive measures remained in place and continued to be enforced on a selective basis. No changes have been made to the legal framework that would indicate a substantive shift in government policy. With local and presidential elections scheduled for 2010 and 2011, substantive amendments to current legislation and the transparent implementation of legal norms are necessary prerequisites for conducting free and fair elections that would demonstrate real progress in Belarus.

Some positive trends were noted during the period under review. These include:

- Several national meetings convened by independent organizations and political parties were allowed to take place unobstructed;
- Repressive provisions of the controversial Media Law were not enforced;
- Some independent organizations were successfully registered as "institutions";
- Fewer administrative arrests and no politically motivated expulsions were noted.

Unfortunately, a number of negative trends continued to be noted, including:

- The government's persistent refusal to register independent public associations and political parties based on dubious grounds;
- The discussion of legislation in Parliament which, if approved, would expand the grounds for denying registration to public associations;
- The criminal conviction of a civic activist under Article 193-1 for working for an unregistered civic organization;
- Stepped up government pressure on independent trade unions and back-sliding on reform promises made earlier in the year;
- Most importantly, the government has not amended or repealed any legislation that limits basic freedoms in Belarus.

Contrary to claims made in a Non-paper released by the Belarusian government in September 2009, this report demonstrates that the authorities have made little tangible progress towards meeting EU expectations for genuine reforms or undertaken comprehensive efforts to meet international standards. Civil society inside Belarus views the current "liberalization" as cosmetic changes and rhetoric, rather than concrete reforms.

¹ For an appendix of organizations working on this monitoring project and copies of earlier reports on the periods October 2008 – January 2009 and January – March 2009, please contact biim@eedc.org.pl.

FREEDOM OF THE MEDIA

Despite some symbolic and isolated gestures on the part of the authorities, major constraints on freedom of expression remain unchanged. In its recent Non-paper, the Belarusian authorities claim that significant progress has been made. Closer scrutiny reveals that certain claims are, at best, exaggerated and are not tied to any systematic changes that would indicate tangible progress.

In September, an international delegation of media freedom organizations visiting Belarus noted an easing of pressure against media and journalists but also condemned unequal economic, legal and regulatory treatment of independent outlets. The delegation called for a “lasting commitment to ensure the rights of journalists and to undertake much needed reforms of the media environment. Such changes need to be far reaching and irreversible.”²

During the period under review, several international meetings concerning freedom of the media were convened.³ On a positive note, the meetings included both state-controlled and non-state media representatives. The Civic Coordination Council for Mass Media under the Ministry of Information, which includes independent media representatives, also met twice. While civil society welcomed the opportunity to provide input, these bodies serve only advisory roles and there have, to date, no concrete results from these meetings, nor has the media situation been influenced.

In general, the implementation of the new Law on Media, widely criticized by the EU and international organizations, has been positive. Re-registration of media outlets has gone smoothly and newspapers were not required to incur additional costs. Nevertheless, the mandatory registration of media with state entities by itself contravenes international standards of freedom of expression.⁴

The authorities have placed a moratorium on implementing the flawed articles of the Media Law concerning online outlets. These articles would essentially treat electronic media like its print and broadcast counterparts, allowing the state to curtail freedom of the Internet. To date, the government has respected its moratorium, but the Law remains unchanged and in force. It continues to fall short of meeting international free media standards and still includes a number of repressive provisions that can be used to silence critical voices in the run-up to elections or on other politically sensitive issues.⁵ While the government’s Non-paper notes that it has refrained from using these restrictive powers, there is no guarantee it will not do so in the future.

A positive development was the closing of the case against the independent magazine *ARCHE*. Charges were brought under the Law “On countering extremism” in February 2009 for publishing allegedly extremist materials, but were withdrawn,

² Statement, International Mission to the Republic of Belarus, 20-24 September, 2009. For further information, please contact marc.gruber@ifj.org.

³ Two OSCE supported forums addressing “Mass Media in Times of Global Economic Crises. Forming of Social Attitudes of the Population,” convened on 6-7 May 2009, and a seminar on media self-regulation on 8-9 September 2009.

⁴ See [BAJ Media Monitoring Report #3 \(14\) May - August 2009](#).

⁵ “Dormant repressive provisions of Media Law can be used during presidential elections,” BelaPAN, 18 August 2009.

following an appeal lodged in May. Despite the case's favorable resolution, the government has not brought the Law, which has been used against other pro-democracy media materials, in line with international standards and practices.

The authorities report that 70 new print media have been registered since the beginning of 2009. This figure, however, includes only one independent newspaper. *Uzgorak* is a small, independent weekly distributed in three districts of Mogilev region with circulation of about 1,000 copies. Moreover, in the three months since it began publishing, the paper has reported encountering obstructions from the state-run *Belsojuzpechat* distribution network that have constrained its sales.⁶

Two other independent newspapers have been granted access to the state-run *Belsojuzpechat*, which has a monopoly on distribution in Belarus, and have been available at news stands since mid-July. The local *Bobrujski Kurier* and *Volnaje Hlybokae* joined the national *Narodnaya Volya* and *Nasha Niva* in state kiosks (the latter were added to official distribution lists in November 2008). At the same time, a further 11 independent regional newspapers⁷ have been informed that *Belsojuzpechat* and *Belposhta*, the state-run subscription monopoly, would not sign contracts with them since their small circulations and sales made them unprofitable to carry. Each of the 11 publications, however, has circulation figures well above *Uzgorak*'s 1,000 copies – and many have circulations over the 5,000 copies that *Narodnaya Volya* and *Nasha Niva* are limited to by their state-imposed contracts. *Tovarishch*, *Intex-Press*, and *SNPlus – Svobodnyje Novosti Plus* have circulations of over 20,000 copies each. The state monopolies ignored the recommendation of the Civic Coordinating Council for the Media to sign contracts with the independent media.

The Belarusian authorities continue efforts to restrict foreign media broadcasting from abroad. The Ministry of Foreign Affairs has refused to issue accreditation to correspondents of the Poland-based *BelSat*, *Radio Racyja*, and *European Radio for Belarus*, as well as journalists working for other foreign media. In Belarus, “cooperating with foreign media outlets without accreditation” continues to be an administrative offense subject to fines. For this “offense,” the Belarusian Association of Journalists (BAJ) reports that at least 13 media workers have received official warnings from Prosecutors' offices or the KGB.⁸ The most recent incident took place on 26 September, when Vadzim Arshynski received an official warning from the local Prosecutor's office for his cooperation with *BelSat*.⁹ The government continues to ignore appeals made by the European Parliament,¹⁰ PACE and other European institutions to simplify accreditation procedures for domestic and foreign correspondents and to register a local representation of the *BelSat* TV channel.

Also troubling is the introduction of new regulations restricting access to information. Changes to the Law “On Public Service” approved on 15 July 2008 oblige all public employees to first obtain their superiors' approval before participating in interviews.

⁶ Source was the publisher of *Uzgorak*.

⁷ *Tovarishch*, *Novy Chas*, *Borisovskie Novosti*, *Vitebskij Kurier M*, *Hazeta dla Vas*, *Hazeta*, *Intex-Press*, *Slonimskaya*, *Hanzavicki Chas*, *Niasvizhski Chas*, *SNPlus - Svobodnyje novosti plus* and *ARCHE-Pachatak*.

⁸ See [BAJ Media Monitoring Report #3 \(14\) May - August 2009](#).

⁹ “[Another Warning for Cooperation with BelSat](#),” BAJ Monitoring Service,

¹⁰ [European Parliament resolution on the EU strategy towards Belarus](#), 14 January 2009.

Presidential Decree No.65 (6 February 2009) now limits those authorized to provide information at all state institutions and state-owned organizations to spokespersons controlled by the Office of the President. These restrictions will further hinder access to state information, already a daunting problem for the independent media.

The government has made no progress in amending or voiding libel, defamation and other articles of the Criminal Code that are used to threaten and prosecute independent journalists and media outlets, specifically Article 367 “Slander in relation to the President of the Republic of Belarus,” Article 368 “Insult of the President of the Republic of Belarus,” Article 369 “Insult of representatives of the authorities,” Article 369–1 “Discrediting the Republic of Belarus,” and Article 193–1 on criminalizing activities on behalf of non-registered organizations.

HUMAN RIGHTS

Despite some minor improvements regarding the human rights situation in comparison to the previous six-month period, restrictions on fundamental freedoms and political reprisals against young political and civic activists, as well as religious and ethnic minorities, continue to cause concern. While some activists continue to be imprisoned, the authorities have generally adopted more subtle forms of repression, including forced military service and “restricted freedom” (house arrest) to control opponents and dissenters.

The declaration of the Belarusian government’s readiness to enter into a dialogue on human rights issues with the EU is welcomed, as was its participation in initial consultations in Prague in June 2009. The Belarusian side subsequently forwarded the information requested from these consultations to the Czech MFA and General Secretariat of the EU Council. But other than this process, there has been little improvement of the overall human rights situation inside Belarus, aside from the release of the US lawyer Emanuel Zeltser from prison.¹¹

During the reporting period, seven of the 14 young participants detained following a January 2008 protest were freed in accordance with the “Amnesty Law.”¹² Ales Straltsou and Ales Chernushov’s restriction of freedom sentences were commuted to correctional work, though their lawyers maintained that they should have been included in the amnesty; Straltsou’s appeal was rejected in September.¹³ Two other participants were found guilty of evading their sentences under Article 415 of the Criminal Code: Artiom Dubskiy was sentenced in July to one year of imprisonment and Maksim Dashuk was sentenced in June to 15 months of restricted freedom. Three more youth activists remain outside of the country and wanted by the police.

Following six months of pre-trial detention, Yuriy Leonov – one of three politically active entrepreneurs from Volkovysk arrested in February on suspicion of arson and

¹¹ Mr. Zeltser was arrested under unclear circumstances on 12 March 2008 and sentenced to three years in prison for "using false official documents" and "economic espionage" following a closed trial. An appeal to the Supreme Court was denied on 31 October 2008, also in a closed hearing. For further information on the case, see [here](#).

¹² Legal Information Data Bank, 5 May 2009. See [here](#).

¹³“Viasna” Human Rights Center, 14 September 2009. See [here](#).

conspiracy to murder state officials¹⁴ – was released and charges were subsequently dropped. Nikolai Avtukhovich and Vladimir Osipenko remain in pre-trial detention. According to a Ministry of Internal Affairs press statement, in August, the case falls under Article 359 of the Criminal Code “Act of terrorism,” which carries a possible death penalty sentence. In April, Mr. Avtukhovich launched a hunger strike lasting 91 days, the sixth since his detention, and the longest in Belarus since 1991. In the view of many opposition politicians and human rights defenders, the arrest and detention of the three Volkovysk entrepreneurs is politically motivated and the authorities have delayed the investigation. In contrast, a foreign expert hired by the OSCE Minsk office to examine the case reportedly found the detention to be legal which the majority of the democratic opposition contested.

The number of administrative actions against democratic activists has decreased significantly compared to the same period one year ago. From October 2008 to September 2009, there were 12 cases of administrative arrest and 82 cases of fines,¹⁵ compared to 185 administrative arrests and 166 fines during the same period from the previous year. The reduction in the number of administrative arrests may be partially explained by a smaller number of political events compared with the previous year, an election year, and a tendency of courts to fine rather than detain activists. Nevertheless, such actions continued to be used to disrupt public protests and prevent the distribution of leaflets, newspapers and other independent publications.

Human rights activists noted, however, the increased frequency of the use of excessive police force against public meetings organized by the political opposition. As the Belarusian Helsinki Committee reported, “Most of the demonstrations staged in 2009 by political parties, nongovernmental organizations and groups of citizens were forcibly ended by police officers.”¹⁶ The most recent examples include a protest against a joint Belarusian-Russian military exercise on 9 September and a meeting to commemorate the 10th anniversary of the disappearance of two opposition figures one week later. In both cases, brutal force was used against peaceful protesters. Sweden, which currently holds the EU presidency, voiced concern about the use of force against the protesters on 16 September. The presidency urged the authorities to “refrain from the use of force in dealing with peaceful demonstrations.” It called on Belarus to “make further progress regarding democracy and human rights.”¹⁷

While the government continues to target and repress young activists, no students have been expelled from educational establishments on politically motivated grounds in 2009. However, pressure on students by the KGB and administrators has continued. In May, Piotr Ruzau, a politically active student at Baranovich State University was shown an order for his expulsion that was cancelled the next day by the rector, who warned the student that if he was detained again he would be expelled.¹⁸

Another means of pressuring youth activists employed by the government is forced conscription. This punitive behavior has become less frequent since human rights

¹⁴ The Committee for Defense of the Repressed “Salidarnasc,” See [here](#).

¹⁵ “Viasna” Human Rights Center.

¹⁶ “[BHC addressed Anatoly Kuleshov with an appeal for an appointment](#),” Belarusian Helsinki Committee.

¹⁷ [Presidency Statement on demonstrations in Minsk on 16 September](#).

¹⁸ “[Activist is renewed at his university after case becomes public](#),” Radio Free Europe, 29 May 2009.

defenders and the EU highlighted the shameful practice. The government denies all allegations of “politically-motivated” conscription as “absolutely unfounded.”¹⁹ Yet during this reporting period, a new case occurred. Since 2007, the authorities have persecuted Andrey Tsyanyuta for being an activist of the unregistered youth group Malady Front. In February 2009, he was arrested and fined for taking part in an unauthorized protest. In May, he joined a hunger strike in solidarity with imprisoned entrepreneur Nikolai Avtukhovich (see above) and in June, his apartment was raided by the police. In August, he was forcibly taken to a military recruitment office in Homyel for a medical exam. After again being arrested for peacefully protesting on 16 September and despite being earlier declared medically unfit for military duty, Mr. Tsyanyuta was forced to begin military service on 25 September.²⁰

On 23 June, the Council of Europe adopted a resolution declaring that Belarus would be eligible to regain its Special Guest Status in PACE only after abolishing the death penalty. Although high-ranking officials claim that Belarus is ready to declare a moratorium on this ultimate penalty, it is still being applied by the country’s courts. Since the declaration, two death penalty sentences have been handed down by Brest and Minsk regional courts. Despite an ongoing international dialogue on improving its penal system, Belarus continues to have one of the world’s highest prison populations and the second highest in Europe.²¹

Finally, the government continued to restrict the rights of certain religious groups. During the reporting period, the authorities maintained its persecution of the New Life Church.²² In 2002, the Church bought a cowshed from a collective farm and converted it into a prayer house. In 2007, the government began a legal process to confiscate and demolish the prayer house. A September preliminary hearing marked the 27th time the Church as gone to court to defend its rights. The Church has appealed to the UN Human Rights Committee to consider the case.²³

FREEDOM OF ASSOCIATION

After a promising start, the registration of independent civic organizations has stalled and remains a critical issue for civil society in Belarus. At the close of 2008, after the registration of the "For Freedom" Movement, there was cautious optimism among independent activists that the registration of other civic organizations would follow. In 2009, however, virtually no independent civil society groups or political parties succeeded in obtaining registration. The six months covered by this report witnessed only a series of high profile rejections. The total number of registered public associations remains roughly the same as compared to previous years. According to the Ministry of Justice, during the period January - June 2009, the Ministry registered only 47 new public associations, none of them notable. Despite the rhetoric of “liberalization,” the number of newly registered public associations in 2009 is set to be the lowest in the last three years.

¹⁹ Belarus Non-Paper – extended version, September 2009.

²⁰ “Young opposition activist Andrey Tsyanyuta condemns his recruitment into army as illegal,” BelaPAN, 23 September 2009.

²¹ “Belarus has one of world’s highest prison population levels, expert says,” BelaPAN, 10 Sept 2009.

²² Registered in 1992, the New Life Church is one of the largest communities of the Association of Full Gospel Christians and claims more than 1,000 members in Belarus.

²³ “[The judgment is not taken out.](#)” New Life Church website, 23 September 2009.

Among the national organizations denied registration by the Ministry of Justice during this reporting period were the Assembly of Pro-Democratic NGOs, the Belarusian Christian Democracy party, the Party of Freedom and Progress (fourth attempt since 2003), and the "Youth Christian Social Union" and "Young Social Democrats" groups. The situation with local organizations proved to be no better; the youth group "MODES" (Mahilou), cultural association "Spadchyna" (Hrodna) and human rights group "Berastejskaya Viasna" (Brest) were denied registration, the latter for the third time. No new political party has been registered since 2000.

In a high profile case, the government again denied the registration of the "Nasha Viasna" human rights NGO (its third attempt, second in 2009). "Nasha Viasna" (Our Spring) is the successor organization to the "Viasna" Human Rights Center, one of Belarus' leading human rights groups, which was liquidated by the authorities in 2003. In April 2009, the NGO's leader, Ales Bialiacki, received a reply to an appeal requesting information about steps taken by the Ministry of Foreign Affairs to implement a UN Human Rights Committee decision regarding the abolition of "Viasna's" registration. In 2007, the Committee concluded that the NGO's dissolution was a violation of Article 22, Paragraph 1, of the International Covenant on Civil and Political Rights. It also found that, according to Article 2, Paragraph 3(a), the complainants were entitled to redress, including the re-registration of "Viasna" and compensation.²⁴ The April response, signed by the Vice Minister, stated that the government considers the Communication of the UN Human Rights Committee to be only a recommendation. Amnesty International believes that the continuing rejection of "Nasha Viasna's" registration applications is an attempt by the state to prevent the NGO's staff from "carrying out their legitimate work as human rights defenders."²⁵

Most of the government's grounds for denying registration continue to be trivial, spurious, extralegal and politically-motivated. For example, the Hrodna regional branches of the Belarusian Popular Front opposition political party and NGO "BPF Adradzhenne" were denied registration on the grounds that their applications were printed using an improper font, even though no regulation addresses this issue. During its consideration of the registration documents of the Belarusian Party of Workers in August 2009, the Ministry of Justice illegally demanded that party members submit documents not stipulated by law.

During the reporting period, every appeal against the denial of registration of a public association was rejected by the judiciary. The courts also affirmed decisions to deny registration to the Homyel, Vicebsk and Mahilou branches of the Trade Union of Radio-Electronic Industry Workers. Appeals against the denial to register the Belarusian Christian Democracy political party and "Nasha Viasna" before the Supreme Court were denied.²⁶

Belarus' flawed legislation governing registration currently allows state bodies to deny requests without any substantive grounds. In 2009, the authorities made statements about the possibility of simplifying the registration process for NGOs and political parties by amending the laws "On political parties" and "On public

²⁴Communication No. 1296/2004 on the basis of an individual complaint.

²⁵Ibid.

²⁶[Viasna Human Rights Center](#), 12 August 2009 and [Belarusian Helsinki Committee](#), 22 July 2009.

associations.” Changes were adopted in a first reading and are being prepared for consideration in a second reading by Parliament scheduled for this fall. State media claims that the registration process will be simplified; in particular, “incomplete sets” of documents submitted will no longer serve as a valid reason for denial.

However, the proposed amendments, ostensibly designed to facilitate registration, may in fact make it easier to deny requests based on legal grounds. Independent analyses suggest that the proposed changes are aimed at replacing the current unreasonable grounds for refusal with a more credible legal basis for denial. Under the amended law, grounds for refusal would be found in inconsistencies with the statute’s legislative requirements, not only in terms of goals, objectives, methods and areas of activity, but also in all other provisions of the statute. Also, a new basis for denial of registration is to be introduced: “the representation of public organizations, unions and other documents and/or information does not follow legal requirements, including fraudulent, counterfeit or invalid documents.” It appears to civil society that this regulation is not aimed at simplifying registration but at simplifying the denial of registration. The only positive change is the automatic registration of registered NGOs with the Tax Office (before it had to be done separately). This change in no way provides any meaningful improvement for independent organizations.

Due to the difficulties of registering as a public association, a number of independent organizations have been forced to seek registration as “institutions.” For example, the youth organization “Right Alliance,” which was denied registration as a public association in 2004, succeeded in registering as an institution in 2009. This year, the Belarusian government has simplified the process of registering as an institution. But as institutions are not legally membership organizations, this does not increase freedom of association. More importantly, registered institutions do not possess many of the rights accorded to registered public associations, such as the right to represent citizen interests in court, delegate its members to observe elections and serve on election commissions, and apply for state financial support. It has been suggested that the government has eased registration requirements for institutions, and registered some organizations under this category, to demonstrate a more liberal approach while at the same time ensuring that these NGOs will pose less of a threat than they would as registered public associations.

Civil society continues to be concerned by Article 193-1 of the Criminal Code, which criminalizes activities on behalf of a non-registered organization, and its punitive use by the government. Since 2006, 17 persons have been convicted under this Article. During the reporting period, the authorities’ enforcement of the Article remained arbitrary and selective; it continues to be used to intimidate civic activists, particularly youth, and dissuade citizens from participating in unsanctioned events. Prior to the March Congress of the unrecognized Union of Poles in Belarus, for example, participants were threatened with prosecution under the Article if they took part.²⁷ In September, Amnesty International called on the Belarusian government to immediately abolish the Article 193-1 and “to allow people to exercise their right to freedom of association free from harassment and intimidation.”²⁸

²⁷ “[Article 193-1, again](#),” *Nasha Niva*, 19 July 2009.

²⁸ “Amnesty International urges Lukashenka to ensure that human rights group *Nasha Vyasna* obtains registration,” *BelaPAN*, 22 September 2009.

In May, Andrei Nesterovich was convicted under the Article for taking part in the activities of the unregistered group Russian National Unity, but served no time due to an amnesty.²⁹ In July, the Homel Regional Prosecutor's Office refused an appeal to drop a criminal case against the youth activist Kiryl Atamanchyk, launched in 2007 for taking part in activities of the Malady Front, an unregistered organization. In August, Brest youth activist Mikhail Ilyin was warned by prosecutors that he would face criminal charges if he did not cease participating in Malady Front actions.³⁰

Article 193-1 was used for the first time to initiate a criminal investigation against a person acting on behalf of an unregistered religious organization. In July, 25 year-old Yawhen Volkaw, was charged with acting on behalf of the Rev. Moon's Unification Church, which is banned in Belarus; the case was eventually dropped. Previously, the authorities have used it only to target members of unregistered political groups.³¹

In a positive development, civil society organizations and opposition political parties were granted permission to hold events throughout this period with relatively minor obstructions. Some of the more notable events included the congresses of the Belarusian Association of Journalists, Belarusian Party of Communists, and Belarusian Popular Front. But the government's practice of refusing to provide the premises required to convene cultural, social or political events continues. For example, the United Civic Party was denied permission to hold an October party conference at the Johannes Rau International Educational Center. The World Alliance of Belarusians "Batskawshchyna" experienced great problems in obtaining premises for its 18-19 July congress; it proved successful only after receiving 19 rejections.

The requirement of a legal address in a non-residential building continues to be problematic for new and established associations alike; in a number of cases it has even forced organizations to close down. For example, the Borisov branch of the "Children in Need" NGO was forced to cease its activities in April after it could no longer pay its rent. The organization has appealed several times to the local authorities without success for subsidized rent. Since April, the Belarusian Popular Front, one of Belarus' leading opposition political parties, has been struggling to renew the lease on its Minsk headquarters. On the grounds of tardy rent payments, the building's state owners have refused to renew the party's long-term contract and continue to rent the premises on the basis of a month-to-month lease that can be terminated any time. If it loses its legal address, the party can be liquidated.

Despite the government's declaration of a moratorium on inspections in December 2008, many civic organizations continue to experience scrutiny from various oversight bodies. In May 2009, for example, the NGO "Ekodom," which is active in fostering public debate over the government's controversial decision to build a nuclear power plant in Belarus, was investigated for tax violations and fined 14 million BY rubles (over 3,000 euro) and its bank account was frozen. "Ekodom" is currently appealing what they consider to be a politically-motivated decision.

²⁹ ["An extremist has been pardoned in the honor of the 65th anniversary of the end of II World War." Coalition Against Hate](#), 9 July 2009.

³⁰ ["An activist of Malady Front will face criminal charges?"](#) Radio Free Europe, 12 August 2009.

³¹ ["Young man facing criminal charge of acting on behalf of Unification Church,"](#) BelaPAN, 2 July 2009.

After several months of progress towards meeting the ILO's recommendations, the Belarusian authorities began to backslide on independent trade union issues. On 28 August, the Belarusian Congress of Democratic Trade Unions (BCDTU) submitted its "Own Comments" to Belarus' ILO application, which concluded that the government has failed to address the fundamental problems of nonregistration and harassment, and is returning to previous anti-union practices.³² In September, the BCDTU accused the authorities of renewed pressure on independent trade union members.³³ It noted that independent trade unions at the Hrodna Azot fertilizer plant and the Naftan oil refinery were denied collective bargaining agreements, and members of an independent union at the Mazyr oil refinery and the Free Trade Union at Brest State University faced pressure directed at forcing them to withdraw from the independent organizations. In response, the BCDTU is considering suspending its membership in the National Council on Labor and Social Matters and withdrawing its representatives from the advisory Council on Social and Labor Regulations Enhancement.

CONCLUSIONS

In light of the developments, or lack of, during this reporting period, it is clear that the Belarusian government has done little to improve the situation of civil society in Belarus. The dialogue between the state and civil society has not led to concrete change. The Belarusian government has emphasized consultations, meetings and advisory bodies at the expense of tangible reforms. Since October 2008, no real progress has been made in the five areas of concern elaborated by the EU: electoral legislation, freedom of the media, freedom of association, the situation of civil society, and freedom of assembly. Discriminatory economic conditions, laws restricting access to information, nontransparent and discriminatory decisions on accrediting journalists, and flawed legislation on defamation and extremism continue to hinder the development of independent and pluralistic media in Belarus. Influential NGOs continue to be denied registration, independent trade unionists still suffer discrimination, excessive force is regularly used against peaceful demonstrators, young activists continue to be targeted, and civil society remains marginalized.

It is not surprising that the European Union has echoed Belarusian civil society in calling for greater change. In April, the European Parliament urged the Belarusian government to make "substantial progress" on democratic reforms. The resolution called for reform of electoral legislation, equal rights for all media, and greater freedom of association, assembly and religion. Expressing concern about the country's human rights situation, it condemned the government's practice of persecuting journalists, politically-motivated dismissals, forcible conscription and capital punishment. Finally, it insisted that the opposition and civil society must be included in the European Union's dialogue with Belarus.³⁴ Benita Ferrero-Waldner, the EU's commissioner for external relations and neighborhood policy, has echoed this call. In July, Ms. Ferrero-Waldner spoke of the need for "convincing and irreversible reform." In September, she urged Belarus to make more progress on

³² BCDTU's Own Comments on the Application in Belarus of the ILO Conventions 87, 98 and 122, submitted to the ILO Geneva, 28 August 2009.

³³ "Belarusian Congress of Democratic Trade Unions accuses Belarusian government of continuing pressure on independent trade unions," BelaPAN, 3 September 2009.

³⁴ "European Parliament urges Minsk to make progress on democracy," BelaPAN, 2 April 2009. The text of the resolution can be found [here](#).

democratic reforms and adopt democratic values.³⁵ Swedish Foreign Minister Carl Bildt, whose country currently holds the EU presidency, declared in July that “the political situation in Belarus does not meet the expectations that we have. We believe that the Belarusian authorities can and indeed should do more.”³⁶ Belarus’ civil society couldn’t agree more.

³⁵ “[Belarus should adopt democratic values](#),” *Gazeta.ru*, 17 September 2009.

³⁶ “EU-Belarus Troika meeting: No big decisions,” *BelaPAN*, 29 July 2009.