



OSCE Human Dimension Implementation Meeting 2015

**Warsaw, Poland
September 23, 2015**

**Working Session 4
Statement on the Urgency of Consistent Reforms
in Support of Fundamental Freedoms and Civil Society in Belarus**

Recognizing the tremendous role the OSCE Office for Democratic Institutions and Human Rights plays in shining light on the status of the participating in States in observing their commitments to the fundamental freedoms principles set forth in the Helsinki Final Act, Freedom House would like to draw special attention today at the state of human rights in Belarus as it stands on the eve of presidential elections.

The release of the six political prisoners on August 22 is a much awaited and welcome development, but in and of itself it should not be viewed as a radical change of the Belarusian government's attitude towards the fundamental rights of the citizens - until more consistent steps are taken. There is little indication that this move was not just a tactical step aimed at appeasing critics ahead of the October 11 presidential elections, monitored by the OSCE ODIHR observers, during which Mr. Aliaksandr Lukashenka will seek a fifth presidential term. The release came as an unpublicized presidential pardon, with the criminal sentences still remaining in personal records of all former political prisoners of the Lukashenka regime, who should not have been jailed in the first place. None of the former political prisoners have been rehabilitated and continue to experience economic, social, and political limitations due to their ex-convict status.

Besides political persecution of dissent, civic space in Belarus remains severely constrained by a number of statutory limitations, as well as threats and intimidations of civic activists, human rights defenders, and journalists, which limits their ability to advance human rights and fundamental freedoms domestically. Civil society organizations remain burdened by the complicated and selectively applied registration requirements that are supplemented by criminal liability for activists working on behalf of unregistered organizations. Opportunities to receive foreign funding by registered nongovernmental organizations are severely limited, and the lucky few are heavily taxed. Independent journalism and freelancing are stifled; over two dozen freelancing Belarusian journalists have been fined this year for preparing materials for foreign-based media while operating without state accreditation, a common charge based on a misguided, or frivolous, interpretation of the Law on Mass Media. Civil society persists in shadows, under the burden of systematic repressive measures that may and have been arbitrarily used against the most active human rights defenders and journalists.

Considering the two-decade decline of the freedoms of association, assembly, and expression in Belarus, Freedom House *strongly encourages* the OSCE and the participating States to hold Belarus accountable to its obligations under the Helsinki Final Act, including implementation of recommendations presented below. Furthermore, the OSCE ODIHR should provide an objective and uncompromising assessment of the events leading to, during, and immediately after the October 11 Presidential Elections, including possibility of independent election monitoring by civil society groups and peaceful assembly.

Freedom House *urges* the Belarusian government, as a participating State to the Helsinki Accords, to demonstrate that it is acting in good faith and implementing a comprehensive reform to support and advance the fundamental freedoms of association, assembly, and expression, by taking, among others, such concrete and immediate steps:

- expunge the criminal record of all former political prisoners;
- remove the detrimental Article 193.1 of the Criminal Code and allow civic activists to defend and advocate for fundamental rights and freedoms without fear of reprisal, notwithstanding organization's registration status;
- simplify registration and reporting procedures for nongovernmental organizations;
- repeal statutory limitations on the ability of nongovernmental organizations, registered or not, to receive funding from abroad;
- cease persecution of freelancing journalists, especially those covering socio-political issues, by frivolously applying Article 22.9 of the Law on Mass Media and other laws;
- repeal the administratively punishable statutory requirement of state accreditation for journalists of foreign media outlets, following the 2008 recommendations of the Office of the OSCE Representative on Freedom of the Media.