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OSCE Review Conference
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Side Event: Civil Society of Belarus on the
Eve of Presidential Elections

Statement of the Assembly of Pro-Democratic NGOs of Belarus

Assembly of NGOs expresses its disappointment with the attitude of the Republic of Belarus to the recommendations given to it by UN Human Rights Council in the frames of the universal periodic review on human rights. We are concerned with the fact that Belarusian side demonstrated reluctance to use its participation in the UPR procedure for a real improvement of the situation with human rights in the country.

On 23rd September, at the 15th session of the UN Human Rights Council the final report of the UPR regarding Belarus was approved. Unfortunately, the most fundamental and important recommendations made during UPR session, were rejected by the Government of the Republic of Belarus as unacceptable. Among other things, in paragraph 89 of its “Opinions and responses of the Republic of Belarus”, Belarusian side refused to abolish Article 193.1 of the Criminal Code:

“Belarus does not accept the recommendation on the abolition of Article 193.1 of the Criminal Code, contained in paragraphs 28, 30, 31 of the document. This article is aimed at precluding the activities of extremist groups and organizations in Belarus. In Belarus, only the creation and activities of NGOs and political parties which propagandize war, extremist activities, social, ethnic, religious disorder and hostility are prohibited, as it is enshrined in the Covenant.”

This explanation **is untrue**, it distorts the essence of Article 193.1 of the Criminal Code. The Criminal Code of the Republic of Belarus contains other articles dealing with extremist groups and organizations and their activities, including Article 193: “Organization or management of public association or religious organization, infringing upon a person or his/her civil rights and duties .” Article 193.1 punishes members of public, political and religious organizations for performing activities on behalf of unregistered organizations, **regardless of the nature of those activities**. This can be confirmed by the materials from trial cases launched under Article 193.1: according to those, the accused were condemned not for performing activities on behalf of organizations, but solely on the basis of the fact that they belonged to those particular organizations.

By being so unattentive to the UPR recommendations, Belarusian government has demonstrated its unwillingness to ensure implementation of international agreements on human rights, ratified by the Republic of Belarus, and to stop human rights violations in our country.

We URGE the Government of the Republic of Belarus

To recognize and implement the recommendations 98.28, 98.30, 98.31, 98.35, addressed to the Republic of Belarus within the frames of the universal periodic review, in full and without exception or deviation from the spirit of recommendations and international standards on the freedom of association. As a first step, the repeal of Article 193.1 of the Criminal Code should be realized.

We ADDRESS international society, especially those states that in the frames of the UPR session recommended Belarusian side to improve the situation with non-governmental organizations in the country. We urge them

- to monitor the situation with non-governmental organizations in Belarus closely, in particular, not to lose attention to the problem of existence and application of Article 193.1 of the Criminal Code during the presidential elections 2010 in Belarus;
- to insist on the abolition of this article, as well as to dwell on some other human rights issues during negotiations with the Belarusian authorities.

September 27, 2010