

FREEDOM OF ASSOCIATION IN BELARUS

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The constitution of Belarus vows freedom of association, and the President dissolved the National Commission on Registration of Public Associations, a body notorious for its arbitrary decisions. Nevertheless, other legal provisions continue to restrict civil society activities and practiced by many authorities have toughened from year to year forcing public associations to the margins of legality or entirely to stop their operation.

The system of fixed-term labour agreements common in Belarus made the workers dependant on the employers' administration, and trade union activists faced a threat of permanent unemployment. At the same time, the authorities pour public funds to boost "state-public associations," organizations which are clearly under the government's control.

Criminalization of public activities is a key method for silencing public activists. The authorities detain and sentence activists according to Article 193.1 of the Criminal Code (for organizing or participating in an activity of an unregistered NGO), which was added to the Criminal Code in December 2005 as part of a series of amendments that introduced penalties for civil society groups.

Starting from 2006, with sentencing four members of the civic initiative on the election monitoring *Partnerstva* (Partnership) up to 24 months prison terms, the government has repeatedly refused to register the youth movement *Young Front* the authorities have opened over a dozen criminal cases against its activists sentencing them to prison terms or enormous fines just for being members of an unregistered public group that carries out legitimate activities.

In our opinion, the very existence of Article 193.1 in the Criminal Code violates the Constitution of Belarus as well as article 22 of the International Covenant of Civil and Political Rights (ICCPR) and commitments to the OSCE. It 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.

The claim about the unconstitutionality of Article 193.1 of the Criminal Code, brought by the Helsinki Committee to the Constitutional Court of Belarus, was left without consideration and we request competent international bodies such as the European Commission for Democracy through Law (the Venice Commission) to express their reputable opinions, which can promote the annulment of the Article 193.1 and halt criminal persecution of public and political activists in Belarus.