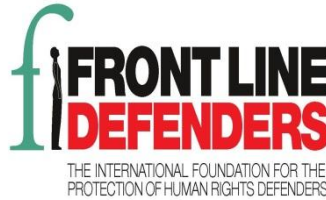




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Open Joint letter regarding the new legislative amendments limiting freedom of assembly and association and imposing new restrictions on civil society groups in Belarus

To: House of Representatives of the Republic of Belarus

Council of the Republic of the National Assembly

Copy to: Mr Aliaksandr Lukashenka, President of the Republic of Belarus

We, representatives of international human rights organizations Amnesty International, ARTICLE 19, Civil Rights Defenders, Front Line Defenders, Human Rights Watch, the Human Rights House Foundation, the Norwegian Helsinki Committee and the Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), urge the Council of the Republic, the upper chamber of the Belarusian Parliament, to quash recent legislative amendments that impose limitations on freedom of assembly and association and severely restrict the work of Belarusian civil society groups, especially those working on human rights or related issues.

On 3 October 2011, the House of Representatives, the lower house of the Belarusian Parliament, adopted a set of restrictive legislative amendments to a number of Belarusian legislative acts, including the Law on Public Associations, the Law on Political Parties, the Electoral Code, the Code of Administrative Offences, the Criminal Code and the Criminal

Procedure Code of Belarus. On the same day, the House of Representatives also adopted amendments to the Law on Public Gatherings.

The amendments were voted on in an atmosphere of almost complete secrecy. The text of the proposed legislative changes was not available for public viewing, thus eliminating any possible input from civil society groups. The amendments, already adopted by the lower house of the Parliament, were published at the National Legal Internet Portal on 12 October 2011. The amendments are now on the agenda of the Council of the Republic and will be considered during its next session, which is scheduled to start on 21 October.

We are very concerned about the inevitable repercussions of these proposed legislative changes for the work of Belarusian NGOs, which would come under even more intense government scrutiny. The new proposed legislation also further limits freedom of association and assembly.

The following provisions of the proposed legislation cause us particular concern:

- The Article 21 of Law on Public Associations, as amended, prohibits Belarusian NGOs from keeping funds in banks and other financial institutions on the territory of foreign states. Additionally, administrative penalties can be applied to NGOs that accept foreign donations 'in violation of law'. In a similar fashion, the Criminal Code of Belarus, as amended, establishes criminal liability for receiving any foreign grants or donations 'in violation of the Belarusian legislation'. Such regulations may be interpreted widely, rather than narrowly, and may result in indiscriminate persecution of any activist or civil society group that receive foreign funding. For decades, Belarusian civil society groups have been forced by the government to operate in increasingly difficult conditions and struggle with arbitrary registration procedures. By creating further restrictions in relation to receiving funding from abroad, the new legislation will inevitably push civil society groups to the margins of the law and will make their operation in Belarus close to impossible.
- Article 356 of the Criminal Code, as amended, suggests new expanded definition of 'espionage', which will include 'intelligence gathering activity' or 'any form of other assistance to a foreign state, foreign organization or their representative in carrying out activities to the detriment of the national security of Belarus'. This broad definition can be used for targeted persecution by the authorities of NGO activists and civil society leaders.
- The amendments to the Law on Public Gatherings further restrict freedom of peaceful assembly. According to the proposed new regulation, any kind of pre-planned public gathering in a place agreed upon in advance now constitutes 'a picket' and can be therefore considered violating '*the order of organisation or holding mass gatherings*'. Additionally, organizers are required to report 'financial sources' used for the event, and are not allowed to spread information about the event, including through social networking sites, until the official permission is granted to conduct it (according to existing regulation, such permission can be issued no earlier than five days prior to the event). Another proposed change considers actions directed at 'public call for initiating' a gathering or a rally to be an administrative offence.

The proposed amendments also grant wider powers to the law enforcement officials during public gatherings, including being able to make audio and video recordings, limit access of participants to the event and carry out full body search of participants.

Additionally, we are seriously concerned about the amendments to the Law on State Security Agencies, which have been submitted to Parliament for consideration by the Council of Ministers on 30 September 2011 and which allow for significant expansion of the powers of the State Security Committee (KGB). If these draft amendments become law, the Committee will be able to gain access to any kind of premises, including private residencies, at any moment. It will also allow for KGB agents to be exempt from liability in all cases of use of force against citizens.

We share the concerns of the Venice Commission, the Council of Europe's advisory body on constitutional matters, which on October 14 had criticised Belarusian authorities for its treatment of NGOs in light of the new legislative amendments.

We believe that the new amendments constitute a grave threat to civil society in Belarus and have no place in legislation of a country which has, for more than a decade, been a party to several key international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

We therefore urge the Council of the Republic of the Belarusian Parliament to quash the package of legislative amendments, recently approved by the House of Representatives, that restrict freedom of assembly and association and restrict foreign financial support for NGOs.

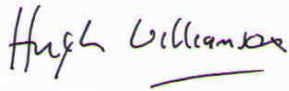
We further urge the House of Representatives of the Belarusian Parliament to take off its agenda the amendments to the Law on State Security Agencies, which have been submitted to Parliament for consideration by the Council of Ministers on 30 September 2011.

Lastly, we call on the Belarusian authorities to take immediate steps to:

- Implement the recommendation 98.9 of the Universal Periodic Review to Belarus to “review its national legislation in order to ensure its compliance with freedom of expression, assembly and association, as guaranteed in articles 19, 21 and 22 of the International Covenant on Civil and Political Rights”.
- Stop exercising excessive governmental control of civil society groups which jeopardizes their work and help to foster a normal working environment for them.

We thank you for your attention.

Human Rights Watch



Hugh Williamson,
Executive Director,
Europe and Central Asia Division

Front Line Defenders



Mary Lawlor
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Article 19



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