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First national Human Rights plan

A breakthrough for Human Rights in Belarus?

On October 24th 2016, the Republic of Belarus adopted its first national human rights plan. It contains 100 measures to improve the human rights situation in the country. Even though the plan doesn't address various important concerns for human rights in the country, it increases the attention towards human rights issues within the government of Belarus.

For over 20 years, the tense human rights situation in Belarus has been a main hindrance to the improvement of relationships between Minsk and the West. Belarus is the last European country to still apply the death penalty. This year, it has already been applied once and four more convicts are currently waiting for execution. Beyond that, Belarus has been repeatedly criticized for the recurring situation regarding civil liberties: Freedom of speech is restricted in many areas and dissidents only have a limited range of action. In the past, some human rights activists or dissidents have been sentenced to long-term imprisonment. Hence, the improvement of the human rights situation in Belarus is an important condition to the EU and its member nations for further improvement of relationships with Belarus.

In his most recent review, the United Nations Special Rapporteur on the situation of human rights in Belarus explicitly criticized deficits in the registration of public organizations, human rights violations, the elections, and the police force and judiciary branch, among others. Beyond that, the situation of disabled persons was considered lacking, violence in families, as well as violence towards children, and the discrimination of sexual minorities were subject to cri-

ticism, as well. Above all, the United Nations Special Rapporteur criticized the systematic repression of human rights and accused the government of Belarus of eschewing cooperation with the United Nations on those matters – due to a lack of political intent.

For several months now, Minsk has undertaken measures that overtly aim at reducing the criticism of the human rights situation and the limited political liberties in the country: In August 2015, president Alexander Lukashenko released all political prisoners still in jail and improved – if only slightly – the general framework for the presidential elections in October 2015 and the parliamentary elections in September 2016. In July 2015, Minsk resumed the human rights dialog with the European Union.

The Human Rights Plan

The Belarusian Council of Ministers approved the human rights plan on October 24th 2016 and in doing so, continued the efforts in improving relationships and openly pursues the objective to not only improve the outside perception of Belarus, but also to raise the importance of human rights issues within the governance apparatus. The plan consists of three parts: An act by the Council of Ministers, the actual text with a justification and a statement of purpose, as well as a list of measures and distribution of competences for the implication of the measures. All measures intended for the period of implementation between 2016 and 2019 provide for more or less concrete objectives and name the government institutions responsible for their implementation.

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With regards to the death penalty, the Belarusian Ministry of Foreign Affairs is obligated to initially investigate international experiences regarding the application of the death penalty and the public opinion regarding the matter (measure 36 of the human rights plan). Other measures address issues from the implementation of the UN Convention on the Rights of Persons with Disabilities (measure 7) to measures strengthening the family and its standing (measure 48). The clear emphasis of the plan lies in this and other social rights.

However, proposed changes in the area of political rights and civil liberties fall distinctively short in the plan. At least, some proposals are envisioned to manage the domestically restrictive Ministry of Information. The scope of its activities lies in, among other things, the execution of periodical international actions to secure freedom of speech (measures 54-55), as well as the improvement of the freedom of speech and training of journalists (measure 58). Regarding freedom of assembly, the authorities will first evaluate international experiences regarding to whether they are suitable for application in the national practice (measure 56). In order to complete suffrage, a further cooperation with the OSCE is envisioned (measure 57). All other political rights and civil liberties are thus, as far as civil society actors are involved in the implementation process, to be addressed within measures 9 through 11, that specify the collaboration of Belarus with the UN Committee for Human Rights with regards to individual concerns, where applicable. This provides a base for civil society actors and the opposition to keep political rights and civil liberties on the agenda.

The human rights plan assigns these tasks to government agencies, which are to be considered significantly less internationally oriented and more focused on the domestic situation, than the Ministry of Foreign Affairs that is in charge of the plan, as well as the Ministry of Education, the Ministry of Information, the Central Election Commission, or the Ministry of Internal Affairs. Even municipal and regional level administrations will be involved. All participating institutions

are obliged to report annually to the Ministry of Foreign Affairs, which concentrates the results into a report to the Council of Ministers.

Evaluation

The point in time of the passage within an environment of continuously improving relationships, as well as the competence of the plan, the breadth of the authorities involved, and the scope and process, reflect that this is one of the most serious undertakings by the government to put the human rights situation on the domestic agenda in over 20 years. In doing so, the Ministry of Foreign Affairs is not only one of the most assertive in Belarus, Foreign Minister Vladimir Makei also has President Lukashenko's trust as the former director of the Administration of the President and is considered an assertive and influential political manager. The Foreign Ministry being in charge also hints at the objective of strengthening Belarus' perception abroad as an equal nation and to improve the country's image abroad. With international attention coming shortly, due to events such as the takeover of the chairmanship of the Central European Initiative in 2017 or hosting the European Games in 2019, those activities clearly ought to take place in Belarus in light of a favorable human rights evaluation. Without a doubt, improvements to the human rights situation remain a precondition for greater economic involvement of the West in Belarus and the lifting of all remaining sanctions.

Public Evaluations in Belarus

The human rights plan was evaluated differently by Belarusian human rights agents. Advocates from the human rights center "Viasna" stated that the fact that such a plan was passed, is to be considered positive in itself. Society can profit from such a plan, even in the case that only parts of it are implemented. In turn, representatives of the Belarusian Helsinki Committee were doubtful, whether the passed plan will lead to significant improvements of the human rights situation in Belarus. The plan was worded too non-specifically and rather aimed at state authorities. As a matter of that

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fact, several parts of the plan state “evaluate the adequacy”, “study international experiences”, “complete measures”, or “to delve into the matter”. The circumstance that no resolution was passed on the foundation of a national Institute for Human Rights but that this was to be discussed (measure 4), was also criticized. Similar opinions were voiced regarding the possible nomination of an advisor to the United Nations High Commissioner for Human Rights in Belarus (measure 19). In this case, nothing is currently being implemented, but only further discussed within the Belarusian government, as well. Belarusian human rights advocates also criticized that numerous suggestions by international actors, as well as by national human rights organizations weren’t taken into account in the plan. Furthermore, civil society actors request stronger involvement in the implementation of the plan.

Conclusion

With the passage of its first human rights plan, the Republic of Belarus counters previous long-standing criticism by the United Nations Special Rapporteur on human rights and demonstrates for the first time, that the political intent to at least engage with matters of human rights exists; assigning a multitude of state agencies with concrete projects and more or less defined objectives. In any case, an important achievement of the first human rights plan of the Republic of Belarus is that it introduces human rights issues to the breadth of government institutions, even if few measures address civil liberties. There is at least a possibility, though, that doing so increases the administrators’ sensitivity for human rights. It remains to be seen how sustainable this is, and will be measured by the implementation reports, above all. The establishment of a national Institute for Human Rights would doubtlessly have been a good sign. The direction the Republic of Belarus has taken with the passage of the plan, however, is the right one: It can not only contribute to an improvement of the domestic situation but at the same time strengthen Belarus’ situation as an equal and partner-like country in Europe. Regardless, a real break-

through in the human rights situation will only occur when the death penalty – as a central symbol for the respect of human rights in Belarus – will be abolished or at least suspended and legislation in several fields changes in favor of human rights and civil liberties.

Sources

- [Report of the Special Rapporteur on the situation of human rights in Belarus of 21.04.2016](#)
- [Decision No. 860 of the Council of Ministers of 24.10.2016](#)
- [Report of tut.by 16.10.2016](#)
- [Report of Naviny.by 06.11.2016](#)
- [Report of tut.by 16.10.2016](#)