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Belarus: Authorities must not tarnish positive steps by imposing new restrictions on freedom of association

Amnesty International welcomes the positive steps being taken by the Belarusian authorities to lift existing restrictions on the right to freedom of association. However, it is critical that this progress is not countered by introducing new measures which would violate that same right.

The Belarusian Council of Ministers submitted a draft law to the Belarusian Parliament on 17 May repealing controversial Article 193.1 of the Belarusian Criminal Code (among proposed changes to other laws). The same draft law also introduces a new Article 23.88 to the Belarusian Administrative Code, which essentially replaces the criminal liability for participation in the activities of a non-registered organisation with a fine of up to 1,225 Belarusian roubles (about US\$ 600).

Amnesty International has been campaigning for the abolition of Article 193.1 since its adoption in December 2005 as it directly obstructs participation in the activities of unregistered non-governmental organisations (NGOs). Registering an NGO in Belarus is extremely difficult and many civil society organisations have had their applications repeatedly rejected by the Ministry of Justice. Activists are subsequently targeted and forced to operate at great risk to themselves.

Article 193.1 violates both the Belarusian Constitution and Belarus' obligations under international human rights law. It has been used by the authorities to impose high fines on activists while others have received prison sentences of up to two years in violation of their right to freedom of association. In 2006, as the Belarusian authorities began actively applying the law to throw activists in jail, Amnesty International began to campaign for their immediate and unconditional release as prisoners of conscience, targeted solely for their peaceful human rights activities.

While the move towards abolishing Article 193.1 is a long-overdue and welcome step, the newly proposed Article 23.88 imposes undue restrictions on the right to freedom association. Activists who formerly risked being sentenced to prison, will now be susceptible to receiving fines as high as up to 1,225 Belarusian roubles for organising or participating in the activities of a non-registered organisation. The proposed fine does not need to be imposed by a court and instead can be decided by an official of the Interior Ministry, which could lead to further potential abuses.

Progress in lifting undue restrictions on the effective functioning of Belarusian civil society must be unambiguous if Belarus is to adhere to its human rights obligations. The authorities should also refrain from imposing new limitations through Article 23.88 and should not include it in the Administrative Code of Belarus.

End/

