



**Doc. 15892**

05 January 2024

## A democratic future for Belarus

### Report<sup>1</sup>

Committee on Political Affairs and Democracy

Rapporteur: Mr Kimmo KILJUNEN, Finland, Socialists, Democrats and Greens Group

### Summary

Since the fraudulent 2020 presidential elections, the regime led by Aliaksandr Lukashenka has become further entrenched in its blatant disregard of international law and democratic norms, as evidenced by the brutal repression of dissenting voices in Belarus. In addition, the regime's involvement in Russia's invasion of Ukraine, the forced landing of a Ryanair passenger plane, and the weaponisation of migration have shown that it also poses a threat to international peace and security.

Reiterating its ambition to welcome a future democratic, independent, sovereign, peaceful and prosperous Belarus as a member of the Council of Europe, the Parliamentary Assembly should call on Council of Europe member States to:

- take steps to hold the regime of Aliaksandr Lukashenka accountable for its actions, and seek redress for its victims,
- step up support for Belarusian democratic forces who, under the leadership of Sviatlana Tsikhanouskaya, have made outstanding progress in co-ordinating and channelling their efforts to uphold the rights of all Belarusians and to strive for a democratic change in Belarus.

The Assembly, on its part, should establish a structured dialogue with Belarusian democratic forces, including by allowing a representative delegation to play an active role in its work, and by establishing a General Rapporteur for a Democratic Belarus.

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1. Reference to committee: [Doc. 15130](#), Reference 4527 of 15 September 2020.



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## A. Draft resolution<sup>2</sup>

1. The Parliamentary Assembly reaffirms its dedication to supporting and advocating for the rights, freedoms, and safety of all Belarusians. It stands in solidarity with all those whose lives have been affected by the crimes of the Lukashenka regime and reiterates its ambition to welcome a future democratic, independent, sovereign, peaceful and prosperous Belarus as a member of the Council of Europe.
2. The Assembly commends the outstanding progress achieved by the Belarusian democratic forces in exile, under the leadership of Sviatlana Tsikhanouskaya, in co-ordinating and channelling their efforts to uphold the rights of all Belarusians and bring about a democratic change in Belarus. It welcomes the creation of the United Transitional Cabinet, the central executive body of the democratic movement, together with the Coordination Council, a unified representative body of Belarusian democratic society, as entities representing the legitimate democratic aspirations of the people of Belarus.
3. In the run-up to and following the fraudulent 2020 presidential elections, the state of human rights, democracy, and the rule of law further deteriorated in Belarus. The already negative trend intensified following the Lukashenka regime's participation in the Russian Federation's large-scale aggression against Ukraine, a most serious violation of international law which has led the Assembly to suspend all relations with the Belarusian authorities on the basis of its [Opinion 300 \(2022\) "Consequences of the Russian Federation's aggression against Ukraine"](#). The regime's decision to be an accomplice of the Kremlin in this aggression stands in stark contrast with the engagement of many Belarusians in support of Ukraine.
4. The peaceful expression of dissent by the Belarusian population has been met by brutal repression resulting in an unprecedented number of politically motivated arrests, detentions, and widespread intimidation of opposition figures, journalists, activists, and human rights defenders. Longer prison sentences have been handed down, and legislation has been introduced to expand the definition of terrorist acts, which are punishable with a capital sentence. Torture and ill-treatment in detention have been reported. Recalling that Ales Bialiatski and Maria Kalesnikava were awarded the Václav Havel Human Rights Prize for their indomitable struggle and personal sacrifice for the promotion of democracy and human rights in Belarus, the Assembly expresses its deep concern for the fate of all political prisoners in Belarus and conveys its full support to their families.
5. In a situation where freedoms of speech, assembly and association are curtailed, freedom of the media is not respected, and there is no redress against these violations, there cannot be free and fair elections. The Assembly, therefore, expresses its serious concerns as regards the parliamentary elections to be held by the Lukashenka regime in February 2024, fearing that they will be yet another travesty of democracy, allowing the authorities to perpetuate their grip on power despite the real will of the Belarusian people.
6. The repression by the Lukashenka regime against the Belarusian people is so serious, widespread and systematic that it may amount to crimes against humanity and warrants full accountability under domestic and international law. In this respect, the Assembly deplores the steps taken by the regime to secure its impunity, such as the introduction of the Constitutional amendments of 2022 which give the President lifelong immunity from prosecution, and the denunciation of the Optional Protocol to the International Covenant on Civil and Political Rights, which deprives individuals in Belarus of the right to lodge complaints before the United Nations Human Rights Committee.
7. The threat posed by the Lukashenka regime extends beyond the borders of Belarus: the weaponisation of migrants as a tool for hybrid war against neighbouring States, the interception and forced landing of Ryanair Flight FR4978, the involvement in the Russian Federation's war of aggression against Ukraine, and the active support given to the forced deportation and transfer of Ukrainian children are serious violations of international law and show the extent to which the Lukashenka regime represents a threat to international peace and security.
8. Similarly, the constitutional amendments of 2022 with which Belarus relinquished its neutrality and allowed for nuclear weapons to be deployed on its territory, together with a consistent policy by the authorities to obliterate the Belarusian culture, language and identity confirm, on the one hand, the existence of a security threat to other countries and, on the other hand, the fears expressed by many Belarusians that their country's independence and sovereignty are at risk.

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2. Draft resolution adopted unanimously by the committee on 12 December 2024.

9. The Assembly believes that, with a view to honouring its obligations under international law, aligning itself to Council of Europe values and preserving its sovereignty and independence, Belarus should:
  - 9.1. immediately and unconditionally cease its support of the Russian Federation in its aggression against Ukraine, and therefore:
    - 9.1.1. cease all support of the forced deportation and transfer of Ukrainian civilians, including children;
    - 9.1.2. stop providing logistical or other support to Russian troops and refuse the transit of Russian troops through Belarusian territory;
  - 9.2. refrain from threatening neighbouring countries by any means whatsoever, including through the weaponisation of migration;
  - 9.3. accept responsibility for the interception and forced landing of Ryanair Flight FR4978 as an act of unlawful interference with civil aviation, as found by the International Civil Aviation Organization;
  - 9.4. cease all repressive measures designed to silence dissent and ensure the unconditional and immediate release of all political prisoners and provide for their rehabilitation;
  - 9.5. declare an amnesty for all those arrested on political grounds;
  - 9.6. immediately put an end to all acts of torture or inhuman and degrading treatment, whether in public, citizens' homes or any place of detention;
  - 9.7. ensure the organisation of free and fair elections, together with the respect of civil and political rights and freedoms, in line with the recommendations set out in [Assembly Resolution 2371 \(2021\) "Urgent need for electoral reform in Belarus"](#);
  - 9.8. enable a peaceful transfer of power after the organisation of free and fair elections;
  - 9.9. ensure the separation of powers, the existence of a system of checks and balances and the full independence of the judiciary;
  - 9.10. ensure accountability under domestic law for human rights violations;
  - 9.11. take steps to protect the Belarusian identity, culture and language, and to recognise and respect the rights of persons belonging to national minorities;
  - 9.12. establish without delay a moratorium on the death penalty leading to its full abolition, and ensure that any remaining death sentences are commuted.
10. With a view to supporting a democratic future for Belarus, the Assembly calls on Council of Europe member States to:
  - 10.1. step up support for the democratic forces and civil society of Belarus, in particular for the Office of Sviatlana Tsikhanouskaya, the United Transitional Cabinet, the Coordination Council, for Belarusian civil society, and for free and independent media;
  - 10.2. intensify dialogue with Belarusian democratic forces by appointing Special Representatives to Belarusian democratic forces;
  - 10.3. step up support to the activities of the Council of Europe Contact Group on co-operation with Representatives of Belarusian democratic forces and civil society;
  - 10.4. provide technical support and expertise for the development of democratic tools and resources for the Belarusian democratic forces and civil society;
  - 10.5. set up or support programmes aimed at assisting Belarusian victims of violence, repression and torture;
  - 10.6. facilitate entry and stay in safe and dignified conditions for Belarusian citizens who flee the Lukashenka regime, in line with the [Assembly Resolution 2499 \(2023\) "Addressing the specific challenges faced by the Belarusians in exile"](#); take measures to help them preserve their language, culture and identity; and refrain from returning them to Belarus as long as they are at risk of persecution;
  - 10.7. maximise pressure on the Lukashenka regime by diplomatic means as well as by strengthening efforts to implement an effective system of sanctions;

- 10.8. maintain unity in addressing international threats posed by the Lukashenka regime, and in particular in responding to the weaponisation of migration;
- 10.9. continue to differentiate between the Lukashenka regime and the people of Belarus and avoid, in so far as possible, that sanctions against the former negatively impact the latter.
11. Reiterating its [Resolution 2372 \(2021\) “Human rights violations in Belarus require an international investigation”](#), with a view to establishing accountability of the Lukashenka regime for violations of human rights and international law, the Assembly:
  - 11.1. welcomes efforts and initiatives by international organisations, human rights defenders, and civil society representatives on the ground for the collection, verification, and preservation of documentation and evidence of serious human rights violations perpetrated in Belarus during and after the August 2020 presidential elections, and states its support for the International Accountability Platform for Belarus;
  - 11.2. welcomes initiatives to assess the condition of political prisoners and provide aid to them, and encourages continued efforts to gain access to detainees, including by the International Committee of the Red Cross;
  - 11.3. calls on Council of Europe member States to support ongoing international efforts for accountability, including through the establishment of a system of accountability for the crimes and human rights violations committed against the Belarusian people, and by exercising universal jurisdiction provided for in their criminal legislation or, where applicable, by introducing this possibility into their legislation;
  - 11.4. calls on Council of Europe member States to explore options for how the Lukashenka regime can be held accountable for its involvement in the Russian Federation’s war of aggression against Ukraine;
  - 11.5. recalling the full commitment of the Heads of State and Government of the Council of Europe in Reykjavík to fighting the impunity of perpetrators of the forcible transfer of children from Ukraine, calls on Council of Europe member States to support the investigations of the Office of the Ukrainian Prosecutor General into the role of Belarus in forced transportations of children, and the investigations of the Prosecutor of the International Criminal Court in connection with the alleged war crimes of unlawful deportation and transfer of children from or to the temporarily and illegally controlled or occupied areas of Ukraine.
12. As regards its own work, the Assembly:
  - 12.1. resolves to further promote the participation of representatives of Belarusian democratic forces in its work so as to allow a representative delegation to take an active role in any discussion taking place at the level of Assembly committees and networks during part-sessions, with the authorisation of the respective chairpersons, according to modalities to be established by the Bureau of the Assembly;
  - 12.2. calls for the setting up of a General Rapporteur for a Democratic Belarus;
  - 12.3. calls on the General Rapporteur for a Democratic Belarus, the General Rapporteur for political prisoners, the General Rapporteur on the situation of human rights defenders, and the General Rapporteur on the abolition of the death penalty to work closely together on Belarus and to establish a structured dialogue with the Office of Sviatlana Tsikhanouskaya, the United Transitional Cabinet, the Coordination Council and their respective structures;
  - 12.4. decides to intensify its engagement with Belarusian civil society, human rights defenders, independent journalists, and academia;
  - 12.5. commits to continue supporting the activities of the Council of Europe Contact Group on co-operation with Representatives of Belarusian democratic forces and civil society;
  - 12.6. sets forth to revive dialogue and co-ordination with other international parliamentary assemblies with a view to supporting the Belarusian democratic forces and civil society and promoting a democratic future for Belarus;
  - 12.7. will explore and support efforts to establish a network of parliamentary friendship groups of democratic Belarus;
  - 12.8. invites Belarusian democratic forces to make use of the Assembly’s tools and expertise on the organisation of elections and on electoral processes;

12.9. resolves to continue to follow the political situation in Belarus.

## B. Draft recommendation<sup>3</sup>

1. Drawing the Committee of Ministers' attention to its Resolution ... (2024) "A democratic future for Belarus", the Parliamentary Assembly reiterates its ambition to welcome a future democratic, independent, sovereign, peaceful and prosperous Belarus as a member of the Council of Europe.
2. The Assembly, therefore, hails the commitment made by the Heads of State and Government of the Council of Europe in the Reykjavik Declaration to strengthen co-operation with Belarusian human rights defenders, democratic forces, free media and independent civil society, and to pursue the work of the Council of Europe Contact Group on co-operation with representatives of Belarusian democratic forces and civil society. The Assembly fully supports the Contact Group as an institutional platform which enables the Council of Europe and the Belarusian democratic forces and civil society to partner up with a view to promoting a democratic change in Belarus and strengthen the rights of Belarusian people, whether in Belarus or in exile.
3. Condemning the active support by the Lukashenka regime of the Russian Federation in its brutal war of aggression against Ukraine, the Assembly welcomes the decision of the Committee of Ministers of 17 March 2022 to suspend the rights of Belarus to participate as observer or in any other capacity in meetings of the Committee of Ministers, the Congress of Local and Regional Authorities or in any subsidiary organs or bodies thereof.
4. Expressing its solidarity with all those whose lives have been affected by the crimes of the Lukashenka regime, the Assembly states its gravest concern at the systematic deterioration of human rights, rule of law, and democratic standards in Belarus since the fraudulent presidential elections of 9 August 2020, a trend which further increased following the Russian Federation's large-scale aggression against Ukraine.
5. In the light of these considerations, the Assembly believes that the Council of Europe should further strengthen its support for Belarusian democratic forces and civil society while promoting mechanisms to ensure the accountability of the Lukashenka regime.
6. The Assembly, therefore, calls on the Committee of Ministers to:
  - 6.1. provide political and material support and greater visibility to the Council of Europe Contact Group on co-operation with representatives of Belarusian democratic forces and civil society and its activities;
  - 6.2. hold regular exchanges of views on the situation in Belarus, with the participation of Ms Sviatlana Tsikhanouskaya, representatives of the United Transitional Cabinet and the Coordination Council;
  - 6.3. step up co-operation with other international organisations, including the European Union, to promote a European perspective for a future democratic Belarus.
7. Furthermore, the Assembly, recommends that the Committee of Ministers:
  - 7.1. explores methodologies and initiatives to ensure accountability for the repression in Belarus, through national, regional or international procedures;
  - 7.2. encourages member States to support and contribute to establishing a system of accountability for the crimes and human rights violations committed by the Lukashenka regime.

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3. Draft recommendation adopted unanimously by the committee on 12 December 2024.

## C. Explanatory memorandum by Mr Kimmo Kiljunen, rapporteur

### 1. Introduction

1. The fraudulent presidential elections of 9 August 2020 in Belarus marked a breaking point between the country's past and its future. The public voice, expressed in the unprecedented scale of public outcry and peaceful protests following the elections, was repulsed by Aliaksandr Lukashenka with brute and blunt force. The subsequent acceleration of repression in the country, underwritten by support from the Russian Federation, has entrenched the authoritarian and ruthless nature of this regime.
2. The complete rejection of international law and of democratic standards by the Lukashenka regime has been exemplified by its involvement in the Russian Federation's illegal war of aggression against Ukraine. As an accomplice, not only has Mr Lukashenka flagrantly violated numerous international norms and made Belarus a threat to international peace and security, but he has also put into jeopardy the very existence of Belarus – reducing it to the role of a vassal State by relinquishing its sovereignty to the political, military and economic prerogatives of the Putin regime.
3. At the same time, the hopes for a democratic vision for Belarus, carried into the elections of 2020 by the bravery of Sviatlana Tsikhanouskaya, Veronika Tsepkalo and Maria Kalesnikava, have not been extinguished by this repression. Three years on, the courageous work of Belarusian democratic forces continues, notably through the United Transitional Cabinet and the Coordination Council, in their efforts for a democratic future that guarantees the realisation of human rights and the rule of law in Belarus.
4. On 21 April 2022, the Bureau of the Parliamentary Assembly decided to suspend all relations between the Assembly and Belarusian authorities as a result of its participation in the Russian Federation's aggression against Ukraine. While therefore we no longer engage with the Lukashenka regime, the need for root and branch reforms to bring Belarus' legislation, institutions, and practices in line with international democratic and human rights standards is more pressing than ever.
5. At the same time, the Assembly's decision to intensify its engagement with Belarusian civil society, human rights defenders, independent journalists, academia, and democratic forces was a clear demonstration of its commitment to a democratic future for Belarus.<sup>4</sup> I have continued to carry out my work only through dialogue with these different stakeholders, and, through my mandate, have sought to establish and deepen the political dialogue of the Assembly with Belarusian democratic forces.

### 2. Background, aim and approach

6. In the aftermath of the 2020 presidential elections in Belarus, members of the Assembly initiated three motions focusing, respectively, on the human rights situation, electoral reform, and the political process. The first two motions addressing the urgent issues to be dealt with were fast-tracked and led to the adoption of Assembly texts in April 2021. The third one implied the long-term project of supporting the development of a political process which should ultimately lead Belarus to meeting democratic standards and joining the Council of Europe.<sup>5</sup> It was referred to the Committee on Political Affairs and Democracy (the committee) for report and I was appointed rapporteur.<sup>6</sup>
7. The premise of the original motion was that such a political process should be national, meaning initiated and owned by the people of Belarus, and inclusive, meaning that it should rely on the involvement of all Belarusian stakeholders. Until April 2022, I carried out my work on this premise. In this context, I held meetings with Belarusian opposition and civil society representatives living outside Belarus, including during a fact-finding visit to Vilnius and Warsaw in September 2021. I also met with high-level Council of Europe officials.

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4. [Resolution 2433 \(2022\)](#) "Consequences of the Russian Federation's continued aggression against Ukraine: role and response of the Council of Europe".

5. See the [motion for a resolution](#) at the origin of the report. Also, two other motions "Forced migration due to political repression" (Doc. 15249) and "Belarus state terrorism as a threat to the whole European continent" (Doc. 15319) have been referred to the Committee, to be taken into account in the preparation of this report.

6. Subsequently, our colleague Mr Emanuelis Zingeris (Lithuania, EPP/CD) was appointed rapporteur for opinion.



8. Ensuring an inclusive process also meant that the authorities should be involved. Despite the worsening political repression and human rights situation in Belarus, and a deepening crisis in international relations, I remained convinced that we should continue exploring ways to engage with the authorities, which the committee supported. Thus, I also had regular contacts with representatives of the authorities.

9. A significant political result was achieved in January 2022 when, during a committee hearing, for the first time since the beginning of the political crisis, the authorities and the opposition sat around the same table to discuss the constitutional reform. It was an effort towards promoting an inclusive political process in Belarus and the Assembly playing a constructive political role.

10. The subsequent rupture of relations between the Assembly and the Belarusian regime, confirmed in April 2022,<sup>7</sup> was the result of the despicable actions of the Lukashenka regime. The approach I have taken since reflects the reality that the basic conditions for co-operation and dialogue with the current State apparatus in Belarus are no longer met.

11. The actions of the regime are not reflective of the democratic aspirations of Belarusians. The suspension of relations with Belarus is not a suspension of relations with Belarusians who seek this democratic future. In line with the Assembly decision to intensify its engagement with Belarusian civil society, human rights defenders, independent journalists, academia, and democratic forces, I have envisaged this report as a process – using my mandate to advance this engagement.

12. Following close consultations with the democratic forces of Belarus, the committee agreed in January 2023 to establish a regular dialogue with Belarusian democratic forces. I am grateful to all the participants in this dialogue over the past year for their insights on the situation within the country, and on potential actions that can be taken for a national political reform process.

13. The report takes stock of the degradation of the political and human rights situation in Belarus since 2020, the Assembly's response to these developments, and offers four complementary pillars for action to guide future engagement towards a democratic future in the country.

### 3. The aftermath of the 2020 presidential elections

14. The mass protests that broke out in Belarus, following the announcement of the official results declaring Mr Lukashenka as the winner, were unprecedented both in terms of their size and length. Tens of thousands of protesters massed on the streets. For months, marches and rallies, *sometimes* uniting hundreds of thousands of people, became a weekly tradition, despite the brutal crackdown by the police. Hundreds were injured, several killed, and thousands detained. Allegations of ill treatment and torture were widely documented.<sup>8</sup>

15. Several Council of Europe representatives, including the President of the Assembly and the Chairperson of the Committee on Political Affairs and Democracy, condemned the violence and called for an inclusive national process, fully involving civil society, to ensure a peaceful way out of the crisis.<sup>9</sup> Following a current affairs debate held on 15 September 2020, the Standing Committee adopted a declaration along the same lines.<sup>10</sup> In parallel, the Assembly members initiated three motions as previously mentioned.

16. The European Union condemned the disproportionate and unacceptable violence against peaceful protesters, did not recognise the election results, and imposed sanctions against individuals identified as responsible for the repression and intimidation of peaceful demonstrators, opposition members and journalists, as well as for misconduct of the electoral process.<sup>11</sup>

17. At the level of the Organization for Security and Co-operation in Europe (OSCE), 17 participating States invoked the "Moscow Mechanism" in September 2020 to set up a mission of experts to examine credible reports of human rights abuses and violations, including electoral fraud. In his report presented in November

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7. [AS/Bur\(2022\)07](#) "Relations with Belarus: implementation of paragraph 18.2. of Opinion 300(2022) 'Consequences of the Russian Federation's aggression against Ukraine'".

8. For a summary of the human rights situation in the months following the 2020 presidential elections, see the [report](#) "Human rights violations in Belarus require an international investigation".

9. See [AS/Pol/Inf\(2020\)09](#), Compendium of statements.

10. See [Declaration](#).

11. [Timeline – EU restrictive measures against Belarus](#). Norway, Switzerland, United Kingdom, the United States of America and Canada also adopted sanctions.

2020, rapporteur Professor Wolfgang Benedek concluded there was overwhelming evidence that the 2020 Belarusian presidential elections were fraudulent, and that the Belarusian security forces had committed massive and systematic violations of human rights and fundamental freedoms.<sup>12</sup>

18. On 21 April 2021, the Assembly adopted [Resolution 2371 \(2021\)](#) “Urgent need for electoral reform in Belarus” where it stated that the 2020 presidential elections were neither free nor fair, and called for a comprehensive electoral reform. In this context, it identified the major areas of concern which must be addressed as a matter of priority so that the electoral system can become transparent, accountable, and ultimately “credible”, and the Belarusian citizens can regain confidence in the electoral process.

19. In its [Resolution 2372 \(2021\)](#) “Human rights violations in Belarus require an international investigation” adopted the same day, the Assembly called on the Belarusian authorities to release all political prisoners, to engage in dialogue with the opposition and to organise new, democratic elections. Stressing the great importance of combating impunity for perpetrators of serious human rights violations, the Assembly called on member States to make use of the “universal jurisdiction” of their courts for certain crimes of a particularly serious nature, including acts of torture, and their “Magnitsky laws” to impose targeted sanctions on perpetrators of serious human rights violations in Belarus.

20. The calls of the Assembly and the international community were not heeded. Instead, Aliaksandr Lukashenka has systematically implemented an arsenal of measures that in their design and implementation have entirely eroded all remaining vestiges of the key pillars of democratic society in the country.

#### **4. Human rights situation and political freedoms**

21. To keep the opposition movement at bay, the Belarusian authorities have relied on constant repression. Politically motivated criminal prosecution of opponents and critics of the authorities, journalists, human rights activists, and citizens participating in the peaceful protests has remained the key type of repression, and has led hundreds of thousands of Belarusians to flee the country to escape this regime.

22. Rights to freedom of expression, association and assembly have been severely restricted, torture and other ill-treatment endemic and committed with impunity.

23. The breadth of the repression is staggering. Outlined below are examples that highlight the acceleration of the complete degradation of human rights and political freedoms. Underlying this repression is the transversal impact of steps that suppress recourse to justice. The justice system is abused to suppress dissent, imprison political opponents and human rights defenders, and intimidate and silence their lawyers, many of whom have subsequently fled the country.<sup>13</sup>

24. The suppression of justice has been typified by the notification by Belarus on 8 November 2022 of its denunciation of the Optional Protocol to the International Covenant on Civil and Political Rights. It ceased to be a party to the Protocol on 8 February 2023, thereby removing the ability of individuals to submit complaints to the UN Human Rights Committee. This further deprived citizens of human rights protection and is an emblematic corrosion of the human rights situation on the territory.

25. With avenues for effective remedies now closed at both national and international level, the regime has established impunity to allow those responsible for gross human rights violations to evade accountability for their actions. Constitutional changes made in flagrant disregard of democratic principles, which represent a brazen effort by the Lukashenka regime to retain its grip on power, also form part of this pattern.

26. Amendments to the Constitution, adopted by referendum on 27 February 2022, allow Mr Lukashenka to remain in office until 2035, grant him immunity from prosecution, seek to impede the ability of democratic forces in exile to be candidates for presidential elections, and provide powers to the All-Belarusian People’s Assembly (an unelected body of representatives appointed by the ruling government) to impeach a future president, appoint court judges and appoint Central Election Commission members.

27. The Opinion of the European Commission for Democracy through Law (Venice Commission), requested by the President of the Assembly, regarding the procedural and substantive aspects of the constitutional reform, was clear: the amendments failed to correct the strong unbalance of powers which

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12. OSCE [Report](#) under the Moscow Mechanism on Alleged Human Rights Violations related to the Presidential Elections of 9 August 2020 in Belarus.

13. Amnesty International [2021 report Belarus](#).

already existed in the Constitution of 1996, and even aggravated it, facilitating the operation of an authoritarian regime.<sup>14</sup> The adoption of these constitutional amendments were in disregard of basic democratic principles.

#### 4.1. Political prisoners

28. The pattern of arbitrary arrests and prosecutions has been firmly entrenched following the 2020 elections and has been constantly reinforced since. This has targeted various segments of society, including government critics, human rights defenders, journalists, academics, trade unionists, religious figures, persons belonging to national minorities, lawyers, and others who seek to exercise their fundamental rights. Over 40 000 politically motivated arrests have been made, with some 12 000 politically motivated criminal cases pursued.

29. The OSCE report under the Moscow Mechanism in May 2023 has cogently described how the high number of political prisoners in Belarus is part of a pattern of public policies that aim to increase politically motivated repression. This includes a range of legislative measures that have introduced vaguely defined offences that widen the possibility for political repression.<sup>15</sup>

30. According to Viasna, as of 11 November 2023, the total number of political prisoners in Belarus was 1 456.<sup>16</sup> In a number of the hearings with Belarusian democratic forces in 2023, the Committee on Political Affairs and Democracy was reminded that the reality of political detention in the country is even broader. Many people who are political prisoners wish to avoid being qualified as such due to the risks it may entail on their treatment in detention, and the possible extension of terms of imprisonment.

31. It remains the case that no accurate information is available about the whereabouts and well-being of a number of opposition politicians who were involved in the 2020 presidential elections. This includes:

- Mr Victor Babaryka, a former banker who had been prevented from standing in the 2020 presidential election, and who was sentenced to 14 years' imprisonment on false charges of bribery and money laundering (July 2021);
- Ms Maria Kalesnikava who, only days after she was shortlisted by the Assembly for the 2021 Václav Havel Human Rights Prize, which she subsequently won, was sentenced to 11 years' imprisonment on false charges of conspiracy, "extremism", and national security-related offences;
- Mr Siarhei Tsikhanouski, who had been prevented from standing in the 2020 presidential election campaign, and who was sentenced to 18 years' imprisonment on false charges of "preparation of mass disorder" and "incitement to hatred" (December 2021).

32. They are deprived of the right to telephone conversations and visits, including the right to see their lawyers. Nearly all political prisoners are significantly limited in correspondence and meetings with relatives and lawyers. Torture and inhuman or degrading treatment are occurring on a regular and organised basis, and political prisoners are severely hindered in obtaining basic medical care.<sup>17</sup>

33. This ill-treatment, brutality and denial of medical care have led to the loss of life at the hands of the regime. At least 24 people have died in detention, including Ales Pushkin, Vitold Ashurak, Dzmitry Dudoits, Aliaksandr Vikhor, Mikalai Klimovicz and Dzmitry Sarokin.

34. Trials *in absentia* have been held for Belarusians in exile, with violations of international standard relating to the right to a fair trial common. As a result of such trials against individuals who participated in the 2020 presidential elections, Sviatlana Tsikhanouskaya, Pavel Latushka, and Valery Tsepka were sentenced to 15, 18, and 17 years in prison respectively, on charges that included conspiracy to seize power, high treason, and extremism.<sup>18</sup>

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14. Venice Commission, "Belarus, Final Opinion on the Constitutional Reform", adopted at its 132<sup>nd</sup> Plenary Session, Venice, 21-22 October 2022, [CDL-AD\(2022\)035](#).

15. OSCE Report under the Moscow Mechanism on the serious threat to the OSCE human dimension in Belarus since 5 November 2020.

16. See [Viasna Human Right Center](#).

17. OSCE, Report under the Moscow Mechanism on the serious threat to the OSCE human dimension in Belarus since 5 November 2020.

18. See UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Belarus, Fifty-third session, 19 June-14 July 2023.

#### **4.2. Freedom of expression**

35. The legal and political climate has made it impossible for independent journalists and media to report without fear of reprisal, with nearly all Belarusian independent media outlets operating outside of Belarus.

36. Media across different platforms has been heavily impacted since the 2020 presidential elections. Virtually all independent media and civil society websites are blocked, with more than 9 000 sites blocked as of June 2023.<sup>19</sup>

37. Media workers face mass arbitrary detentions, often accompanied by physical and psychological violence, as well as the damage or seizure of professional equipment, along with prosecution in the form of administrative arrests and fines. At the end of October 2023, 32 media workers were imprisoned in Belarus.<sup>20</sup>

38. The UN Special Rapporteur on the situation of human rights in Belarus has noted that the misuse of counter-terrorism and anti-extremism legislation has been a key tool for the suppression of freedom of expression.<sup>21</sup> Speaking in October 2023, the Special Rapporteur outlined the Ministry of Information maintenance of a list of “extremist materials” exposed to censorship. The list has grown exponentially to include the websites, social network accounts and YouTube or Telegram channels of human rights organisations, independent unions and media, as well as literature or artwork deemed “extremist”.

#### **4.3. Freedom of association**

39. As part of the systematic repression carried out by the Lukashenka regime, the authorities have suppressed independent civil society organisations, including NGOs and lawyers’ professional associations, trade unions, political groups, and self-organised ethnic and religious communities.

40. This included, in February 2021, the raid of the office of the prominent human rights group Viasna in Minsk, and in March unfounded criminal proceedings were opened against Viasna. Five staff members, including its founder Mr Ales Bialiatski, were detained. In November, Mr Leanid Sudalenka and Ms Tatsyana Lasitsa were sentenced to three and two-and-a-half years’ imprisonment respectively for their purported role behind a “violation of public order”. Other Viasna members, including Ms Marfa Rabkova and Mr Andrei Chapyuk, were arbitrarily detained and subsequently sentenced in trials held in contravention of fair trial standards<sup>22</sup>. In October 2021, the Belarusian Helsinki Committee, the oldest human rights organisation of Belarus, was liquidated.

41. Overall, between September 2020 and the end of October 2023, at least 931 non-profit organisations have been forced to close, either through judicial proceedings for forced liquidation or through forced removal from the Unified State Register of Legal Entities and Individual Entrepreneurs. In addition, the number of associations which decided to self-liquidate was reported to be at least 526. The total number would therefore be no less than 1 457, including public associations, trade unions, foundations, non-governmental institutions and associations.<sup>23</sup> This number of liquidated non-profit organisations from civil society would amount to at least one quarter of civil society organised groups.

42. The effective outlawing of independent trade unions or employers’ organisations has seen the space for the existence of an independent trade union movement almost entirely eradicated. Calls by the International Labour Organization (ILO) to revoke relevant legislative and other measures were ignored. The non-compliance with recommendations of the ILO led the annual International Labour Conference to adopt a resolution under Article 33 of the ILO Constitution that challenges the continued disregard for workers’ rights and the arrest of countless trade unionists. This is the strongest measure possible under the ILO Constitution against a State violating workers’ rights, and is only the second time the procedure has been invoked in the ILO’s history.<sup>24</sup>

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19. [Netobservatory](#), accessed 8 November 2023.

20. “Repressions against journalists in Belarus 2023, list of colleagues in prison,” Belarusian Association of Journalists.

21. Statement of Ms Marin, Special Rapporteur on the situation of human rights in Belarus, 78<sup>th</sup> session of the General Assembly, 25 October 2023.

22. International Federation for Human Rights, Urgent Appeal, 6 March 2023.

23. Lawtrend, “The situation with freedom of association and civil society organisation of the Republic of Belarus: review for October 2023”.

24. International Labour Conference – 111<sup>th</sup> Session, Geneva, 2023, [Resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus](#).

43. The overall policy of political repression enacted on a large scale since August 2020 has had severe implications for all forms of political opposition. For political parties, the conditions for setting up a new party were further tightened in February 2023,<sup>25</sup> including by increasing the minimum threshold for the required number of members increasing from 1 000 to 5 000, and by introducing the obligation to have structures in all regions and Minsk. Pre-existing parties have had to submit documents for re-registration to the Ministry of Justice within three months of the law coming into force, and the Ministry of Justice would decide whether to re-register or to liquidate the party.

44. When the law was enacted, there were 15 incumbent parties in Belarus. By November 2023 only four parties were registered by the Ministry of Justice. This includes the registration as a political party for the first time of the pro-Lukashenka formation Belaya Rus, and the subsequent re-registration of three pro-Lukashenka parties.

45. In light of the above restrictions, democratic parties who may have hoped to participate in the planned parliamentary and local elections to be held in Belarus in February 2024 have been either liquidated or prevented from running. The transparency, freedom and fairness of these elections are deeply undermined, compounded further by no electoral commissions being established in Belarusian embassies abroad.

#### **4.4. Freedom of assembly**

46. The authorities maintain an effective ban on peaceful protest, targeting participants with detention or hefty fines. The detention of participants in peaceful protests has been seen in waves. The thousands of arrests made in the aftermath of the 2020 presidential elections, was followed in 2021 with over 900 individuals arrested and prosecuted in politically motivated proceedings according to Viasna, while the confluence of anti-war protests and against the constitutional reform in February 2022 saw near 1 000 arrests.<sup>26</sup>

47. Legislative amendments to the Law of Mass Events of 24 May 2021 and the Code of Administrative Offences formed the legislative backdrop to the restrictions on assembly, allowing in tandem an expanded scope of punishable administrative offences, with a reinforced procedure necessitating prior approval from local authorities before any mass event may take place.

#### **4.5. Death penalty**

48. Belarus continues to apply the death penalty and, in contravention of international standards,<sup>27</sup> has extended death penalty related provisions in both May 2022 and March 2023.

49. On 18 May 2022, Mr Lukashenka signed the law “On Amending the Criminal Code of the Republic of Belarus”, which establishes that the death penalty can be imposed not only for the direct commission of an act of terrorism but also for the preparation or attempt to commit it. The amendment gives the possibility for serious abuse, knowing that many political prisoners have been charged or already condemned to long prison terms under the “terrorism” provisions. Similarly, many representatives of the opposition and political activists are wanted under “terrorism” charges. Now they also risk the death penalty.<sup>28</sup>

50. On 9 March 2023, Mr Lukashenka introduced amendments to article 356 of the Criminal Code which would allow the death penalty for the crime of treason if committed by a public or military official. The crime of “treason against the State” is defined in Belarusian law as divulging State secrets of Belarus and State secrets of other countries entrusted to Belarus, to foreign States and international organisations; engaging in espionage; switching sides in a military conflict; or providing any other assistance to a foreign State, or international or foreign organisation in conducting activities harmful to Belarus’ national security. This crime was previously punishable by imprisonment for 10 to 20 years.

51. One person was sentenced to death in 2021 and two death row prisoners are believed to have been executed. Two brothers sentenced to death in 2020, Stanislau and Ilya Kostseu, were granted clemency.<sup>29</sup> On 19 October 2023, the Minsk regional court sentenced Alexander Taratura to death for murder.

25. Law “On amending laws on the activities of political parties and other public associations”, 14 February 2023.

26. “Referendum 2022: Final report”, Belarusian Helsinki Committee and the Human Rights Center Viasna within the campaign “Human Rights Defenders for Free Elections”, 24 May 2022.

27. Human Rights Committee, “General Comment No. 36: Right to life (article 6)”, 3 September 2019, UN Doc. CCPR/C/GC/36.

28. In March 2022, Ms Sviatlana Tsikhanouskaya was charged with “preparing acts of terrorism as part of an organised group”.

#### 4.6. Citizenship

52. Both *de facto* and *de jure* methods have been applied to restrict Belarusian citizenship, or access to citizenship documents. On 5 January 2023, amendments to citizenship laws extended the possibility of terminating Belarusian citizenship even when acquired by birth.<sup>30</sup> The amendments allow this termination if a person has been found by a court to have participated in “extremist activity” or to have caused “grievous harm to the interests of the Republic of Belarus”.

53. At the same time, a decree which came into force on 7 September 2023 bans the issuance or renewal of passports abroad. This measure exerts pressure on Belarusians who fled the country, further restricting their freedom of movement, and leaving many in a legal limbo. It leaves thousands of Belarusians in exile without access to valid identification documents abroad, or at risk of politically motivated prosecution if they return to Belarus to process their documents. The sole aim of such action is to make the lives of ordinary Belarusians living abroad more difficult and represents yet another form of oppression and retaliation against the thousands of Belarusians who were forced to flee their homes. Already in June 2023, the Assembly called for the development of solutions to overcome this weaponisation of documentation.<sup>31</sup>

### 5. Belarus’ increasing isolation at the international level

54. The political crisis sparked by the 2020 presidential elections, with the litany of human rights abuses noted above, have been repeatedly and rightly condemned by the international community. However, the transformation of this political crisis into an issue with a European or even global dimension was accelerated by three main incidents. These were the forced landing of a Ryanair passenger plane, the instrumentalisation of migrants, and the role of Belarus in Russia’s illegal war of aggression against Ukraine.

#### 5.1. Forced landing of a Ryanair passenger plane

55. On 23 May 2021, the Belarusian authorities forced a Ryanair passenger plane to perform an emergency landing in Minsk, alleging a bomb threat. Upon landing, they arrested two of its passengers, namely Mr Roman Protasevich, co-founder of media outlet Nexta and chief editor of two Telegram channels that had covered post-election protests, and Ms Sofia Sapega, his companion.

56. On 28 May 2021, opening the related current affairs debate held during the Standing Committee meeting, Mr John Howell (United Kingdom, EC/DA) stressed that diverting an international aircraft and forcing it to land for the sole purpose of arresting a journalist, were “a shocking assault on civil aviation and on international law” and represented “a danger to civilian flights everywhere”. During the ensuing debate, Assembly members condemned the incident, noting that the action of the Belarusian authorities had exposed the lives of hundreds of passengers to risk. They also called for the immediate release of Mr Protasevich and all other political prisoners in Belarus.<sup>32</sup>

57. On 4 June 2021, the European Union introduced a ban on the overflight of its airspace and on access to its airports by Belarusian carriers of all kinds. Later in the month, the fourth package of EU sanctions were adopted, including against seven individuals and one entity involved in the forced landing of the Ryanair plane.

58. On 18 July 2022, based on a detailed and thorough fact-finding investigation report, the International Civil Aviation Organisation (ICAO) Council concluded that the government of Belarus had committed an act of unlawful interference in breach of international aviation law concerning the forced landing of Ryanair Flight FR4978. This conclusion confirmed that the bomb threat against the flight was deliberately false, that senior government officials of Belarus were involved and provided instructions to force the landing in Minsk and that the incident endangered the safety of the flight and its passengers.<sup>33</sup>

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29. [General Rapporteur welcomes the decision of the Belarusian authorities to pardon the two brothers Illia and Stanislau Kostseu.](#)

30. Law No. 242-Z to amend the law “On Citizenship of the Republic of Belarus”, 5 January 2023.

31. [Resolution 2499 \(2023\)](#) “Addressing the specific challenges faced by the Belarusians in exile”.

32. See also, the [statement](#) of the General Rapporteur on media freedom and the safety of journalists, Mr Stefan Schennach (Austria, SOC). In May 2022, Ms Sopega was sentenced to six years of imprisonment for inciting hatred and disclosing private information due to her alleged administration of the Telegram channel “Black Book of Belarus”, which contains data about law enforcement officers suspected of committing grave human rights violations.

33. [ICAO Council condemns Belarus over 2021 Ryanair flight bomb threat and diversion](#), Montreal, 19 July 2022.

## 5.2. Migration crisis

59. Since mid-2021, Latvia, Lithuania and Poland have faced unprecedented migration pressure provoked and artificially sustained by the Belarusian regime. Belarusian authorities organised flights and internal travel to facilitate the transit of migrants towards the European Union. Latvia, Lithuania, and Poland faced a sudden influx of migrants, including refugees and asylum seekers, crossing the border irregularly from Belarus. In response, the three countries declared a state of emergency and introduced laws which allowed authorities to turn back people into Belarus.

60. Following an urgent debate held on 30 September 2021, the Assembly adopted [Resolution 2404 \(2021\)](#) “Instrumentalised migration pressure on the borders of Latvia, Lithuania and Poland with Belarus”. The resolution calls on the Belarusian authorities to refrain from instrumentalising migrants, asylum seekers and refugees for political purposes. It also calls on the three governments concerned to refrain from pushbacks to Belarus, and to provide necessary safeguards to guarantee the human rights of those seeking entry to their territory.

61. By November 2021, the humanitarian and human rights situation reached alarming levels, with thousands of migrants stuck at Poland’s border with Belarus, some freezing to death. This prompted the Assembly to hold, on 26 November 2021, a current affairs debate on this specific issue. Opening the debate, Mr Pierre-Alain Fridez (Switzerland, SOC) described the situation as a “hybrid war” orchestrated by the Belarus authorities who used migrants as pawns in a political game, stressing that the main concern should be “the dramatic fate of these men, women and children, who are real hostages, the innocent victims of political considerations that are being played out on their backs”. He called for action and encouraged member countries to show solidarity with the Baltic States.<sup>34</sup>

62. The State-engineered instrumentalisation of migration has continued through 2023, with numbers of attempted crossings in Latvia, Lithuania and Poland rising 62% compared to 2022 by the end of August 2023.<sup>35</sup> The European Parliament called this a purposefully orchestrated reprisal by the Lukashenka regime for support for the democratic forces of Belarus, with the aim of destabilising the States concerned.<sup>36</sup>

## 5.3. Belarus’ participation in the Russian Federation’s aggression against Ukraine

63. Belarus has been playing an important and active role in the Russian Federation’s aggression against Ukraine which started on 24 February 2022. The use of the territory and infrastructure of Belarus as a military platform for Russia’s aggression has included the launch of a major offensive against Kyiv from south-east Belarus as well as artillery strikes. Although Minsk has not deployed combat troops to Ukraine, Belarusian armed forces are providing the Russian army with full logistical and military medical support.<sup>37</sup> According to the United Nations General Assembly Resolution 3314 (XXIX), “the action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State”, qualifies as an act of aggression.

64. In light of these actions, the United Nations General Assembly Resolution ES-11/1 of 2 March 2022 deplored the involvement of Belarus in the unlawful use of force against Ukraine.<sup>38</sup>

65. This complicity in Russia’s war of aggression has allowed the illegal deportation of Ukrainian children by Russia to the Belarusian territory, with more than 2 150 children from Russian-occupied areas of Ukraine transferred illegally.<sup>39</sup> The Office of the Ukrainian Prosecutor General announced on 23 May 2023 that it had launched criminal proceedings into the role of Belarus in forced transportations of children.<sup>40</sup>

66. The Constitutional reform of 27 February 2022 in Belarus provided a further sign of the increased alignment of Belarus with Russia’s war of aggression, with the removal from the Constitution that Belarus would be neutral and free of nuclear weapons. The suppression of this statement prepared the country for the future deployment of tactical nuclear weapons on the territory of Belarus, a step that has further raised the

34. Mr Fridez visited Poland on 18 and 19 November, together with Ms Anne-Mari Virolainen (Finland, EPP/CD), author of the report which led to the adoption of [Resolution 2404 \(2021\)](#), as part of a mission to assess the situation from a humanitarian angle.

35. Euractiv, “[Russia encourages migrants to cross Belarus to the EU, Baltic States warn](#)”, 5 September 2023.

36. European Parliament resolution of 13 September 2023 on relations with Belarus (2023/2041(INI)).

37. “[Becoming a military district](#)”, András Rácz, European Union Institute for Security Studies, Brief, March 2022.

38. United Nations General Assembly, [Resolution ES-11/1](#) “Aggression against Ukraine”, 2 March 2022.

39. 2023/2041(INI), op. cit., paragraph 17.

40. [Reuters](#), “[Ukraine investigating role of Belarus in transfer of children, prosecutor says](#)”, 23 May 2023.

dangers of escalation, and impacts severely upon regional and global security. In its [Resolution 2506 \(2023\)](#) “Political consequences of the Russian Federation’s war of aggression against Ukraine”, adopted on 20 June 2023, the Assembly expressed its deep concern at this development.

67. The stationing of the illegal and State-sponsored mercenary Wagner Group, on the territory of Belarus in July 2023 was a further example of the increased regional security risk posed by Belarus, with steps taken by neighbouring countries to reinforce the security of their borders.

## 6. Council of Europe relations with Belarus

68. In its [Opinion 300 \(2022\)](#) “Consequences of the Russian Federation’s aggression against Ukraine” adopted on 15 March 2022, in view of Belarus’ participation in the aggression, the Assembly recommended that its Bureau suspend relations with the Belarusian authorities in all its activities, which the Bureau followed by a decision of 21 April 2022.

69. On 17 March 2022, the Committee of Ministers [decided](#) to suspend all relations with Belarus, but to enhance the Organisation’s relations with Belarusian civil society and the opposition in exile.<sup>41</sup>

70. In its [Resolution 2433 \(2022\)](#) “Consequences of the Russian Federation’s continued aggression against Ukraine: role and response of the Council of Europe” adopted in April 2022, the Assembly reiterated its condemnation of Belarus’ involvement in the aggression and took note of the active measures taken by Belarusian civil society and opposition in exile to impede the aggression and to aid Ukraine. The Assembly resolved to intensify its engagement with Belarusian civil society, human rights defenders, independent journalists, academia, and democratic forces and to explore ways to regularly associate representatives of the Belarusian opposition in its activities. The Assembly also invited the Committee of Ministers to ensure that representatives of Belarusian democratic forces and civil society are engaged in the work of the Council of Europe bodies.

71. The respective decisions of the Assembly and the Committee of Ministers have clearly shown that the widespread human rights abuses and flouting of international law cannot be tolerated, and these violations remove all basis for co-operation with the Lukashenka regime.

72. At the same time, these decisions (and subsequent resolutions of the Assembly), have demonstrated that the Belarusian people cannot be equated with the Lukashenka regime. The resolve to work with Belarusians who continue fighting for democracy to prevail in their country is clear and unambiguous.

## 7. Belarusian democratic forces

73. A few days after the 2020 presidential elections, Ms Sviatlana Tsikhanouskaya, the main opposition candidate for the presidency, took refuge in Lithuania, after being shortly detained. In exile, she initiated a “Coordination Council” to peacefully resolve the political crisis, demanding that the authorities put an end to violence and repression, release the political prisoners, and hold new free and fair elections. The Coordination Council is composed of prominent Belarusians representing different segments of society, including different political figures, most of whom were in Belarus.<sup>42</sup> From the very beginning, the Coordination Council faced severe repression from the authorities. Eventually, all of its members were arrested or forced into exile.

74. The Coordination Council represented the continuity of the strategy of unity that the Belarusian opposition adopted before the elections, under the leadership of Ms Tsikhanouskaya.<sup>43</sup> This strategy contributed greatly to exert pressure on the authorities and to catalyse the support of the international community.

75. Accelerated repression in Belarus and steps to cement Lukashenka’s regime taken since the 2020 presidential elections have aimed to suppress all democratic dissent. In light of the currently entrenched situation in the country, the democratic forces have sought to reform and strengthen the structures for the co-ordination of their co-operation by creating stable apparatus for future action.

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41. Committee of Ministers’ [decision](#).

42. The members of the Coordination Council included the Nobel prize-winning author Ms Svetlana Alexievich, winners of the Sakharov Prize for Freedom of Thought in 2020, including Ms Volha Kavalkova, co-ordinator of Mr Victor Babaryka’s campaign headquarters Ms Maria Kalesnikava, the founder of the human rights center Viasna, Mr Ales Bialiatki, and former minister and ambassador, Mr Pavel Latushka.

43. In July 2020, few weeks before the presidential elections, the headquarters of Ms Tsikhanouskaya, Mr Babaryka, and Mr Valery Tsepkalo had united.



76. In August 2022, Belarusian democratic forces came to an agreement for the creation of the United Transitional Cabinet, a collective executive body of the democratic forces headed by Ms Tsikhanouskaya.<sup>44</sup>

77. The establishment of the Cabinet has helped formalise the scope of the Tsikhanouskaya-led office and unite opposition efforts under a structured approach. As part of the reform of the structures of the democratic forces, the Coordination Council has been identified as the representative body of the democratic forces, with Ms Tsikhanouskaya referring to it as a “proto-parliament”.<sup>45</sup>

78. Steps have been outlined to further transform the Coordination Council. In order to continue its development as a representative body of Belarusian civil society organisations and political parties, elections have been outlined for the next composition of the Council in 2024.<sup>46</sup> The holding of such elections is an opportunity to hold a mirror to the so-called parliamentary and local elections planned for February 2024 in Belarus. The integration of international standards, the commitment to democratic processes and democratic principles – all of these are strong signals of the commitment and hopes of the democratic forces.

79. These measures are all the more remarkable given the fact that the democratic forces are geographically dispersed across Europe following the repression that followed the presidential elections of 2020, and that the democratic movement as a whole is not homogeneous in its views and approaches. The planned steps would represent a commitment to providing a unified structure for a broad-tent coalition of views and opinions, and enhances the ability of the Coordination Council to develop new solutions to urgent social and political problems.

80. Already, the structures of the democratic forces have been of great importance for the co-ordination of action for helping Belarusians and Belarusian businesses in exile confront the myriad challenges that are faced,<sup>47</sup> and for developing international support for the ongoing activities of democratic forces. This has included the establishment of parliamentary friendship groups with democratic forces in many member States to facilitate support for Belarusians and Belarusians in exile.

81. Equally, a number of member States have created special representatives for relations with Belarusian democratic forces. This includes Estonia, France, Lithuania, Poland and Sweden. This promising practice helps deepen relations with Belarusians in exile, co-operation with the democratic forces, and the strengthening of international ties.

82. The European Parliament’s resolution of 13 September 2023 has welcomed the further steps taken of creating the United Transitional Cabinet. This was established as a central executive body of the democratic movement. The resolution called for the international community to treat this, alongside the Coordination Council, as the democratic representatives of the people of Belarus.<sup>48</sup>

83. Personally, I have a great admiration for the Belarusian democratic forces, who continue to conduct its political struggle with huge courage and commitment in very difficult conditions.<sup>49</sup> They are seeking to use all possibilities to achieve a democratic change peacefully.

## 8. Council of Europe relations with Belarusian democratic forces

84. The Council of Europe has actively supported the Belarusian democratic forces. The acceleration of this action followed the suspension of ties with Belarus by the Committee of Ministers in March 2022.

85. On 21 June 2022, during the Assembly’s high-level panel on “Upholding democratic security in Europe”, Ms Tsikhanouskaya called for reinforced and institutionalised co-operation between the Council of Europe and Belarusian democratic forces. Arguing that “there should be more Council of Europe in the lives of Belarus citizens and that there should be more Belarus in the Council of Europe”, she asked to set up “a steering committee on the relations with Belarus” to be composed of the various bodies of the Council of Europe and the representatives of the democratic forces and civil society of Belarus. This group would jointly determine the priority areas of co-operation. It would conceive, prepare and launch assistance programmes and projects and oversee the implementation of these actions.

44. “Belarus: formation of Tsikhanouskaya’s interim cabinet”, OSW Centre for Eastern Studies.

45. “Sviatlana Tsikhanouskaya’s speech before Coordination Council”, 2 October 2023.

46. Ibid.

47. See [Resolution 2499 \(2023\)](#) “Addressing the specific challenges faced by the Belarusians in exile”.

48. 2023/2041(INI), op. cit., paragraph 39.

49. By awarding the Václav Havel Prize to Ms Kalesnikava, the Assembly paid tribute to this courage and commitment.

86. The Committee of Ministers subsequently agreed to hold regular exchanges of views with Ms Tsikhanouskaya and other representatives of Belarusian democratic forces, and instructed the Secretary General to set up a “Contact Group” with representatives of Belarusian democratic forces and civil society.<sup>50</sup>

87. The establishment of the Contact Group has been a key sign of the Council of Europe’s commitment to a free and democratic Belarus, and represents a ground-breaking decision, being the first such institutional relationship of this kind created by an international organisation.

88. The Contact Group subsequently developed a 15-point action plan to support civil society and democratic representatives in their efforts to bring human rights standards of the Council of Europe to Belarus.<sup>51</sup> The action plan has facilitated activities, using a wide range of expertise from across the Organisation, that have included human rights training, workshops for journalists in exile, awareness raising on key issues including the abolition of the death penalty, non-discrimination, gender equality and countering violence against women. The plan has been revised and updated for the 2024-2025 period based on consultations within the Contact Group.

89. The Assembly has equally acted upon its [Resolution 2433 \(2022\)](#) “Consequences of the Russian Federation’s continued aggression against Ukraine: role and response of the Council of Europe”, in which it resolved “to intensify its engagement with Belarusian and Russian civil society, human rights defenders, independent journalists, academia and democratic forces respecting the values and principles of the Organisation, including the territorial integrity of sovereign member States.”

90. The Assembly, as a parliamentary body, considered it important to strengthen relations with Belarusian democratic forces at the political level to complement the technical activities of the Contact Group.

91. As such, the Committee on Political Affairs and Democracy agreed to invite, at every part-session, up to three representatives of Belarusian democratic political forces to its meetings on a fair-rotational basis to ensure engagement with a broad spectrum of political views.

92. The presence of these representatives at the meetings of the Committee on Political Affairs and Democracy has been, I believe, a mutually beneficial activity. For the representatives of Belarusian democratic forces, it develops further their political networks, provides opportunities to integrate further at the political groups’ level, enhances their visibility and outreach, increases their expertise of Council of Europe mechanisms and procedures, and provides a platform for information sharing about the current challenges faced. For parliamentarians, it has allowed members to remain apprised of the situation in Belarus. This work has been a reflection that the need for national political reform in Belarus remains high on the agenda of the Assembly, and the insights gained from the discussions has been foundational in the elaboration of this report.

## 9. Conclusions: the way forward

93. Engagement with Belarus reached its turning point in August 2020. The State-sponsored violence and repression that have marked the Lukashenka regime’s response to democratic processes and subsequent support to Russia’s military aggression against Ukraine in February 2022 have changed completely the modus operandi. A return to previous relations with the Belarus regime is not currently viable.

94. This report has detailed that pressure has been applied by the international community via the use of sanctions and the suspension of co-operation with the regime. In parallel, the basis for co-operation with democratic forces has evolved, and the support mechanisms established provide for the preparation of a democratic future on an institutionalised platform for co-operation.

95. Four complementary pillars can be envisaged for guiding future action, both for the Assembly, the Council of Europe, and for the wider international community, based on support, pressure, accountability and commitment.

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50. Committee of Ministers, [CM/Del/Dec\(2022\)1441/2.5](#), 7 September 2022.

51. [List of Council of Europe Activities Planned for 2023](#) as agreed at the meeting of the Council of Europe Contact Group on co-operation with Representatives of Belarusian democratic forces and civil society of 25 January 2023.

### 9.1. Support

96. Belarusian democratic forces have laid out a clear vision of a free and democratic Belarus within the European family of nations, and it is incumbent on the Council of Europe and the international community to support those with the courage, strength, and tenacity to fight for the realisation of this vision.

97. Member States and international organisations have been actively engaged in strengthening the resilience and capacity of the Belarusian people to promote democratic principles, human rights, and the rule of law. The Council of Europe Contact Group was a pioneering step in this, heralding structured co-operation with democratic forces. Further initiatives such as the founding of the Belarus-EU Consultative Group are a sign of European States' support to the democratic aspirations of the Belarusian people.

98. Technical support and co-operation have taken place across a wide spectrum of issues. This support should continue to be reinforced both by sustained material assistance and by political dialogue. The Assembly's political dialogue with political parties from the Belarus democratic forces has been invaluable in providing a regular platform for discussing strategy for future action, and for highlighting challenges being faced in Belarus and by Belarusians in exile with a wide range of stakeholders.

99. The political dialogue established by the Assembly could be reviewed in the light of the continued evolution of the Coordination Council. A transformation into a fully representative and elected body would provide an avenue for a reconfiguration of the dialogue, while continuing to ensure a broad spectrum of political views. Support for facilitating participation from across the democratic movement while providing electoral expertise to the vote would be steps that would add to the meaningfulness of these elections. The organisation of such elections is a technical, logistical and political feat. International support to these endeavours may enhance the creation of stable apparatus for future action and the consolidation of the democratic forces around basic principles and values.

100. Systematic parliamentary co-operation has been established in many member States via parliamentary friendship groups. The Assembly has strongly encouraged the parliaments of those member States which have not yet done so, to establish a parliamentary friendship group to create a network to exchange on the best measures to support Belarusians in exile. It is convinced that such networks would also facilitate the dialogue with the Belarus democratic forces in exile, including the Office of Sviatlana Tsikhanouskaya, the United Transitional Cabinet of Belarus and the Coordination Council.<sup>52</sup>

101. The appointment of special representatives to the Belarusian democratic forces is also highlighted in this report as a promising practice. These representatives intensify the dialogue with the democratic forces and can improve understanding and co-ordination of how support can be best directed, as well as centring Belarusian voices in member State actions towards Belarus. This practice can provide inspiration for international organisations, including the Assembly, the Council of Europe, and the European Union for enhancing contacts at the institutional level.

102. Efforts to support human rights defenders, lawyers and civil society organisations in providing services to political prisoners and their families are a further crucial area of importance. We must continue to repeat our demand for the immediate and unconditional release of all political prisoners in Belarus, and review and develop the range of strategies available for securing their release. Rehabilitation services for those released from detention are of great importance, particularly in the provision of qualified medical and psychological assistance and member States should explore methods of supporting such services.

103. [Resolution 2499 \(2023\)](#) "Addressing the specific challenges faced by the Belarusians in exile" provides further crucial pathways of support for the hundreds of thousands of people who fled the repressive regime in Belarus, and I take the opportunity to repeat my full endorsement for these propositions.

### 9.2. Pressure

104. The adoption and implementation of further sanctions in response to both the internal repression and the regime's support to Russia's aggression against Ukraine should be considered, and defined criteria set for the revocation of sanctions in cases where concessions are made, such as the release of political prisoners.

105. As seen with the sanction regime against the Russian Federation, the mechanisms need to continue to be strengthened to address loopholes and sanctions evasion to maximise pressure on the regime.<sup>53</sup>

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52. [Resolution 2499 \(2023\)](#) "Addressing the specific challenges faced by the Belarusians in exile".

53. [Resolution 2506 \(2023\)](#) "Political consequences of the Russian Federation's war of aggression against Ukraine".

106. The use of sanctions is not the only means available for applying pressure on the Lukashenka regime, and influence may be applied in areas of reputational importance. The Assembly has urged national International Olympic Committee representatives and national and international sports federations to express their opposition to permitting the participation of Russian and Belarusian athletes in the Paris 2024 Olympic and Paralympic games.<sup>54</sup>

### **9.3. Accountability**

107. The establishment of impunity by the Lukashenka regime to allow those who are responsible for gross human rights violations to evade accountability for their actions has underlined every act of repression taken in the country since August 2020, and the complicity in Russia's illegal military aggression against Ukraine. As the Reykjavík Declaration points out, there cannot be peace in Europe without accountability.

108. The Assembly has stressed the great importance of combating impunity for the perpetrators of serious human rights violations in the context of the aftermath of the Belarus presidential elections of 2020.<sup>55</sup> It has further called for Council of Europe member States to support and contribute to establishing a special international tribunal for crimes against humanity committed against the Belarusian people.<sup>56</sup>

109. Accountability must also be sought for human rights violations flowing from Russia's failure to return Ukrainian children who have been transferred to the Russian Federation and Belarus. The Heads of State and Government of the Council of Europe affirmed their full commitment to fighting the impunity of perpetrators of these crimes committed against children.<sup>57</sup>

110. Action has been taken by the Belarusian National Anti-Crisis Management team, led by Pavel Latushka to ensure accountability for Mr Lukashenka and his associates, including via the submission of a report on the unlawful deportation of Ukrainian children to the Prosecutor General of Ukraine, and a communication to the Prosecutor of the International Criminal Court on 27 June 2023.<sup>58</sup>

111. Co-operation between international partners, and support to human right defenders and civil society should be maintained for the monitoring, documenting, and reporting of grave human right violations and crimes against humanity. The wide support of member States to the International Accountability Platform for Belarus and their work in collecting, consolidating, verifying and preserving evidence of gross human rights violations are commendable.

112. The Assembly has also noted that the criminal legislation of several Council of Europe member States provides for "universal jurisdiction" for their courts for certain crimes of a particularly serious nature, including acts of torture, even committed abroad, by foreign nationals and against foreign nationals.<sup>59</sup>

113. This has been translated into action: the trial of Mr Yuri Harauski regarding his alleged involvement in the crime of enforced disappearance of three political opponents in 1999 in Belarus was held in Switzerland in September 2023. This represented the first time a court ruled on crimes committed in Belarus on the principle of universal jurisdiction.<sup>60</sup>

### **9.4. Commitment**

114. A timeline for the national reform process in Belarus does not exist. A transition to a democratic future is not promised for tomorrow, for next week or in the years to come. It is crucial to ensure long-term institutional support for Belarusian democratic forces that will allow them to maintain influence in the face of the repression and multifaceted challenges.

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54. [Resolution 2506](#) (2023), "War of aggression against Ukraine – Participation of Russian and Belarusian athletes in the Paris 2024 Olympics and Paralympics".

55. [Resolution 2372](#) (2021) "Human rights violations in Belarus require an international investigation".

56. [Resolution 2473](#) (2022) "Strengthening the role of the Council of Europe as a cornerstone of the European political architecture".

57. Reykjavík Summit, Declaration on the situation of the children of Ukraine, May 2023.

58. [Press release](#), NAM, "Evidence of the war crimes committed by Lukashenka was submitted to the International Criminal Court", 27 June 2023.

59. [Resolution 2372](#) (2021) "Human rights violations in Belarus require an international investigation".

60. [Press release](#), International Federation for Human Rights, "Acquittal of Lukashenka regime henchman in Switzerland", 28 September 2023.

115. The bravery of the Belarusian democratic forces in fighting for their future, despite the brutal and systemic crackdown on all sectors of Belarusian society has been met by the support of the international community, and by the pledges to support the democratic aspirations that are rooted in the values of the Council of Europe.

116. The commitment to Belarusian civil society and democratic forces is key, and the continuous co-operation of the Council of Europe is a positive dynamic that will help to preserve the democratic aspirations of Belarusian society.

117. It is my hope that, by following the pillars for engagement that I have outlined above, we may honour our commitment to a democratic future for Belarus.