



European Economic and Social Committee

REX/220
Belarus Civil Society

Brussels, 14 September 2006

OPINION

of the European Economic and Social Committee

on

Belarus Civil Society

(own-initiative opinion)

On 14 July 2005, the European Economic and Social Committee, acting under Rule 29(2) of its Rules of Procedure, decided to draw up an own-initiative opinion on

Belarus Civil Society.

The Section for External Relations, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 19 July 2006. The rapporteur was Mr Stulík.

At its 429th plenary session held on 13 and 14 September 2006 (meeting of 14 September), the Economic and Social Committee adopted the following opinion by 146 votes to two with five abstentions.

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1. Gist of the Opinion

- 1.1 With this own-initiative opinion, the European Economic and Social Committee (EESC) wishes to express its support, solidarity and empathy to all civil society organisations in Belarus working to promote democracy, human rights, the rule of law and freedom of association and speech – the values on which the European Union rests – in that country.
- 1.2 The European Economic and Social Committee expresses its moral support in particular to civil society organisations such as non-governmental legal organisations dealing with human rights and monitoring the state of democracy and the rule of law, independent youth organisations, independent foundations, independent associations of workers and entrepreneurs and independent trade unions working to promote democracy, human rights, the rule of law and European values in Belarus.
- 1.3 Direct interpersonal contacts – for example through exchanges, especially between young people – play an important role in contacts with Belarus civil society. In order to support and increase these, the EU and its Member States must introduce an amenable visa policy for Belarus citizens.
- 1.4 The European Union as a whole should undertake to put in place appropriate, comprehensible and targeted information policies and strategies to explain to Belarus citizens the fundamental values of the European Union and how it works.
- 1.5 EU financial support to civil society in Belarus must be delivered in appropriate and flexible forms so that it really does reach those for whom it is intended.
- 1.6 The European Economic and Social Committee recommends that EU institutions make use of the experience of transformation and the know-how of civil society organisations in the new

Member States when drawing up a strategy for supporting civil society organisations in Belarus.

2. **General introduction**

- 2.1 With this own-initiative opinion, the European Economic and social Committee (EESC) wishes to express its support, solidarity and empathy to all civil society organisations in Belarus working to promote democracy, human rights, the rule of law and freedom of association and speech – the values on which the European Union rests – in that country.
- 2.2 The EESC considers it extremely important to have a true and totally free civil society in Belarus as the prerequisite for lasting stability and the development of democracy in the country.
- 2.3 The EESC expresses its fundamental disapproval of the actions taken by the Belarus authorities and state and public administration which culminated in the very opaque and irregular presidential elections of 19 March 2006. The EESC also deplores the politically manipulated trials of democracy activists and NGO members who sought merely to exercise their civil rights in monitoring the course of the presidential elections and recently received exemplary and unjust sentences (the case of members of the Partnership NGO).
- 2.4 The EESC points out that Belarus, an immediate neighbour of the EU, is currently witnessing politically motivated violence against its own citizens, the violation of fundamental human rights and the flouting of internationally binding conventions and agreements upholding these rights. The organised civil societies in the 25 EU Member States find this unacceptable.
- 2.5 The EESC disapproves of and rejects the persecution and subsequent criminalisation of those civil society organisations which have come out against the arbitrary rule of the state authorities.
- 2.6 The aim of this EESC own-initiative opinion is to suggest a further course of action by the EU institutions concerning Belarus and support for civil society in the country. The EU's strategy for supporting Belarus civil society must be a specific, feasible and sustainable mid-term strategy, especially now that international interest is beginning to shift away from Belarus following the presidential elections.
- 2.7 The opinion also seeks to give European civil society organisations a better understanding of the situation in Belarus and encourage greater interest in how their Belarus partners are faring and the problems they face, and so pave the way for them to work together.

3. **The situation of civil society in Belarus**

- 3.1 The formal legal framework governing civil society organisations may appear at first sight adequate and in line with the standards of modern societies. However, the problem with the legal framework in Belarus lies in the way the details are interpreted and in the obstacles that are artificially created to the running and registration of civil society organisations. In practice, this legal framework can easily be used to find pretexts for refusing registration of civil society organisations that the ruling regime finds problematic.
- 3.2 As in every country with an authoritarian or totalitarian government, Belarus is divided into two parts: an official one and one which operates at best legally but with restrictions, semi-legally or illegally. The Belarus authorities politicise these organisations and associate them with the opposition. However, the right of citizens to freely associate in order to defend their individual and common interests is one of the fundamental rights and European values. "Conflicts" between civil society and the state are thus common and normal in EU Member States. In normal democracies, such "conflicts" do not diminish the legitimacy of these organisations, but are a means of public involvement and oversight in the running of public affairs.
- 3.3 A whole series of official organisations operates in Belarus which are loyal to the regime or directly monitored or controlled by state bodies. The state passes these organisations off as "Belarus civil society"¹. On the other side are civil society organisations which are critical of the regime and, as a result, are criminalised and in many cases even outlawed.
- 3.4 Unofficial organisations or associations of citizens, which must be considered part of civil society, are also operating in Belarus. Given the nature of their activities, these groups of active and aware citizens have no chance of becoming official organisations and are forced to operate unofficially. People who have come together in this way face victimisation, prosecution, dismissal from work or expulsion from education. The important question is how to help these groups, which, though unofficial, in many cases make up the core of independent Belarus civil society.
- 3.5 Similarly, a series of civil society organisations continues to operate which were refused registration on various grounds and for a variety of petty, bureaucratic and nonsensical objections which the Belarus authorities use as a way of formally eliminating troublesome organisations. These are mostly non-governmental legal organisations dealing with human rights and monitoring the state of democracy and the rule of law, independent youth organisations, independent foundations, independent associations of workers and entrepreneurs and independent trade unions. These organisations are unable to continue operating as registered legal entities.

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In a speech delivered on 26 May 2006, President Lukashenko called for Belarus to build its own model of civil society.

- 3.6 Although Belarus has more than 2 500² NGOs in total, the number of independent organisations dealing even marginally with social issues is declining as a result of persecution, bureaucratic interference and the need to meet new registration requirements. In the field of human rights, for example, one of the last organisations operating legally is the Helsinki Committee, but this has also been facing increasing pressure from the authorities in recent days.
- 3.7 The sector of independent associations and groups of entrepreneurs, industrialists and employers comprises only a few small organisations (such as "Perspektyva"), but their members, too, are frequently arrested and tried on trumped-up charges.
- 3.8 There are both official trade union organisations (affiliated to the Federation of Trade Unions of Belarus, FTUB), and an independent trade union movement under the name of the Belarusian Congress of Democratic Trade Unions. However, the freedom of association and rights of members of independent trade unions are systematically infringed. The recent appeal³ to the European Commission by the European Trade Union Confederation (ETUC), the International Confederation of Free Trade Unions (ICFTU) and the World Confederation of Labour (WCL) specifically highlighted the violation of trade union rights in Belarus.
- 3.8.1 The International Labour Organisation (ILO) has for many years criticised and condemned the grave and systematic violations of the fundamental workers' and trade unions' rights of Freedom of Association and Collective Bargaining (Conventions 87 and 98). A Commission of Inquiry of the Governing Body of the ILO, set up in 2003, produced a report in 2004, which condemned the Government's interference in internal trade union affairs, as well as its anti-trade union regulations and laws. Since the adoption of the report the ILO has sharply criticised the Government for not, or only very partially, implementing the recommendations of the Commission's inquiry. The recent 95th session of the International Labour Conference of the ILO (June 2006) urged the Government to take concrete steps for the implementation of these recommendations so that real and tangible progress could be noted by the November 2006 Governing Body session. If no such progress could be noted, the Conference trusted that the Governing Body of the ILO would begin to consider whether further measures under the ILO Constitution should be taken. Such measures would include action taken by the International Labour Conference to recommend member states, employers' federations and trade unions to review their relations with Belarus.
- 3.9 The EESC expresses its full support for those Belarus civil societies which acknowledge European values, do not legitimise or support the authoritarian regime through their actions

² European Commission: Country Strategy Paper, National Indicative Programme, p. 22. Of this figure, around 10% are purely political in character.

³ Belaplan agency, 30 May 2006.

and are in no way associated with it. The EESC calls for similar support (including financial) from the EU institutions and from civil society organisations in the Member States.

- 3.10 The EESC is also aware, however, of the need for dialogue and discussions with those organisations whose activity or conduct legitimises the present authoritarian regime and thus undermines fundamental European values.
- 3.11 Belarus civil society organisations (working in part with their partners abroad) must seek in every way to overcome their own isolation within the society and win its trust by demonstrating their achievements and their importance for society.
- 3.12 The situation and role of civil society in Belarus is made all the more difficult by the fact that many Belarus citizens acknowledge the legitimacy of the current political leadership and lend it their support. Civil society organisations, on the other hand, do not enjoy great public support and the political regime manages – not least through its information policy – to give them a negative image in the eyes of the average Belarus citizen.

4. **General recommendations on the EU's strategy on Belarus**

- 4.1 The EESC in essence agrees with, and expresses its support for, the European Commission, which on 28 May 2004 adopted the *Country Strategy Paper: National Indicative Programme Belarus, 2005-2006*. The EESC is particularly interested in, and supportive of, those points of the Indicative Programme which refer to EU support for Belarus civil society. The EESC offers its active participation in consultations to decide the most appropriate form for such support.
- 4.2 The EESC also hopes that the European Commission will submit a similar programme for the longer term, since a number of Belarus organisations are looking for a greater commitment from the EU in terms of human rights and democracy in their country. Plans and programmes of this kind serve to motivate and encourage Belarus civil society.
- 4.3 The EESC notes, therefore, that in order to change an authoritarian regime which seeks to give the impression of being in control on the ground, day-to-day activities will have to be supported, often through a policy of incremental steps. This is work, above all, for Belarus civil society organisations. In a situation in which even non-political civic organisations are constrained, their work, too, becomes political.
- 4.4 EU institutions and Member States must take action on Belarus and must coordinate and harmonise their strategies for supporting civil society both among themselves and with other international donors (foundations and the other governments).
- 4.5 The potential pros and cons of imposing economic and other **sanctions** must be analysed extremely carefully. With President Lukashenko controlling virtually all the media, the EU

can easily be portrayed to the Belarus population (particularly those outside the capital, Minsk) as a hostile institution, which would make the option of a "European" economic and political orientation for Belarus seem less attractive.

- 4.6 A distinction must be made between **sanctions** which directly affect the population or only those in power. If sanctions are imposed, the form they take must respect this distinction. Sanctions should not directly affect the Belarus population itself. On no account is expelling Belarus from the Generalised System of Preferences (GSP) a sanction, since this is about qualified preferential access to the EU market which is dependent on respecting basic rules. Furthermore, the Belarus government has enough time and opportunity to remedy the main complaints regarding infringement of fundamental trade union rights in the country.
- 4.7 Although Belarus is officially included in the **European Neighbourhood Policy (ENP)**, in the current circumstances the country cannot yet be offered the full benefits of ENP. The EESC agrees with the Commission and the Council that the inclusion of Belarus in the programme should be possible once its authorities have clearly demonstrated their willingness to respect democratic values and the rule of law. Nevertheless, the European Commission should also prepare a unilateral scenario (or one drawn up in conjunction with civil society representatives) in which Belarus would be swiftly included in the ENP in the event of a fundamental shift in the country's economic and political situation. A parallel can be made here with Slovakia when it was a candidate country in the 1990s under the government of Vladimír Mečiar⁴. A similar approach and flexibility by the EU towards Belarus would keep the country's civil society constantly mobilised and offer it an attractive, alternative, "European" scenario.
- 4.8 **Russia** has been, is, and will continue to be, one of the key influences on, and stakeholders in, Belarus' future. Since Russia is a declared strategic partner of the European Union, there must be a policy of dialogue with the country and its politicians and civil society representatives on the situation in Belarus.

5. **Specific problem areas of Belarus civil society and proposed practical measures**

- 5.1 **Free media and access to objective and impartial information.** At present, the regime has a virtual monopoly on information. Civil society does not have access to the media in general or to the official media and information channels. Most of the independent press has been shut down on various grounds and what remains is effectively denied access to the state distribution network. Access to the Internet is also limited outside the capital Minsk and regional centres, and even there the connecting charge remains high. The EU's priority should therefore be to provide, support and strengthen independent sources of information for the

⁴ The EU's pre-accession strategy enabled Slovakia to "catch up" very quickly with its neighbours, despite its being some years behind.

citizens of Belarus and to ensure that there are uncensored internet servers. Grass-root initiatives regarding the internet should be supported.

- 5.2 **EU support for Belarus civil society.** Despite the EU's declared priority of supporting civil organisations in Belarus, there is a whole series of practical and formal obstacles to actually getting this support to the recipients. The existing EU funding procedures are extremely complicated, lengthy and costly. The current Financial Regulation should be adjusted to enable more flexible and user-friendly funding of not only NGOs, but also unregistered civil initiatives, especially in the countries with a hostile environment. The EESC calls for the Commission, the European Parliament and the Council to consider easing the existing funding procedure for civil society while adopting new amendments to the Financial Regulation and its Implementing Rules. A good way of delivering the help needed could be to use existing European civil organisation networks for representing Belarus organisations (including unregistered ones).
- 5.3 The EESC welcomes the recent Commission proposal to create a separate Financial Regulation for supporting democracy and human rights throughout the world and to target it at countries where fundamental freedoms are most at risk. The EESC hopes it will have the opportunity to comment on this proposal and that the key principle underlying the instrument will be its availability to all who need it and flexibility in the way civil society organisations use it.
- 5.4 The EESC also supports the recent initiatives discussed in the European Parliament and among Europe's non-profit organisations aimed at creating a new financial instrument (**European foundation/agency for democracy**) for supporting democratic forces in countries such as Belarus. This agency should ensure that vital financial support gets to those organisations which have no formal status and which are denied registration by the authorities.
- 5.5 It is crucial for the democratic future of Belarus to **consolidate democratic forces** and independent civil society and to set strategic directions for their further development in this period following the elections. The EU should concentrate above all on supporting these elements by working with other donors and states pursuing the same goals and interests in Belarus.
- 5.6 Equal access to EU support (not only financial support) and to contacts with European institutions must be guaranteed for both "old" established democratic civil society organisations in Belarus and for new organisations and initiatives.
- 5.7 **Exchanging information.** In contrast to other countries, there is no European Commission delegation operating in Belarus, despite an unsuccessful official request to the EU to open the delegation in Minsk. There is also no network of European Documentation Centres. It is practically impossible to access essential and objective information about the EU, the way it

works and its values and policies. Thought should be given, therefore, to how to better inform Belarus citizens about the EU so that a possible "European" course for the country appears more attractive⁵.

- 5.8 The EU should set about drafting a comprehensive information strategy to explain fundamental European values to the citizens of Belarus. As the European Commission delegation is still not open in Belarus (the fault lying with the EU), it would be good for the representations of EU Member States to act jointly to propagate European values, for example by establishing a common European centre in Minsk.
- 5.9 The EESC considers it useful to create the office of EU special representative for Belarus, as is the case for other regions⁶. This representative, appointed by the EU Member States, would keep the EU institutions informed of the current situation in Belarus and of developments in EU-Belarus relations. The special representative should also coordinate Member States' foreign policy on Belarus and propose common EU measures and procedures regarding Belarus. The special representative's other roles should include maintaining contacts with representatives of Belarus civil society, the democratic opposition and Belarus official authorities and institutions.
- 5.10 It also has to be said, however, that awareness in the EU of the difficult situation of civil organisations in Belarus is also inadequate and differs significantly between Member States.
- 5.11 **Maintaining contacts between EU and Belarus civil society organisations.** In practice, the Belarus authorities prevent members of civil society organisations meeting their partners from the EU and travelling abroad, or at least make it uncomfortable for them to do so. The obstacles to young people meeting are particularly problematic. In many cases, the regime prevents Belarus students from studying abroad and becoming involved in NGOs. Personal contacts between members of civil society organisations from Belarus and the EU should therefore be one of the priorities of the EU's policy on Belarus. There is no substitute for personal contacts when it comes to, for example, passing on information and experience and providing moral support. The EU should therefore fund youth and student exchanges, provide scholarships and internships support to foster joint actions by civil society groups, as well as targeted assistance to opinion leaders.
- 5.12 The EESC is greatly concerned at the present visa policy of individual EU Member States regarding citizens of Belarus. While EU claims it is attempting to streamline visa procedures for certain groups of citizens (including representatives of civil society organisations), in

⁵ According to a recent public opinion survey, only 1.1% of Belarus citizens associate a better future with the European Union and 77.7% with President Lukashenko.

⁶ For example, the EU special representative for Moldavia, Sudan and the Southern Caucasus. For more information on the role and importance of EU special representatives, see:
http://www.consilium.europa.eu/cms3_fo/showpage.asp?id=263&lang=en&mode=g

practice Belarus applicants for visas to EU countries are subjected to flagrant affronts to human dignity and to humiliation. The length of visa procedures and the fact that they are often humiliating and undignified⁷ for applicants discredit the values which the EU promotes and on which it rests in the eyes of Belarus citizens. This, together with the recent increased charge made for issuing visas, substantially curtails contacts between people, including those between representatives of civil society organisations.

- 5.13 The EESC therefore calls on the EU institutions and the EU Member States to minimise the red tape and the official and unofficial barriers for those Belarus applicants for EU entry visas who respect and abide by the laws in force and to reduce the charges for issuing them. Member States should consider a simplified procedure for issuing visas on humanitarian grounds and for purposes of research and study. The charges should be in line with local purchasing power in the country where the application is made. At the same time, care should be taken to ensure dignified treatment of visa applicants. Only in this way will the EU send a credible signal to Belarus society that it is serious in its intention to boost interpersonal relations between EU and Belarus citizens.
- 5.14 For Belarus civil society organisations, their partners from the new Member States are a valuable source of know-how and experience. Most valuable of all is the knowledge and experience (negative as well as positive) of the transition from a totalitarian to a democratic regime and what this involves: the adoption of transformation legislation, the creation of basic democratic institutions and the principles of the rule of law, the functioning of a free and civil society and of independent media, the creation of a balance between public, private and civil sectors, the implementation of socio-economic reforms and reforms of the machinery of state (including the army, police and judiciary). The EU as a whole should support the transfer of this "transformation" know-how to Belarus organisations.

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A detailed account of these practices and the humiliating procedures of EU Member State delegations faced by Belarus visa applicants (verbatim quotes from applicants and accounts of their experiences) is to be found in the Batory Foundation report "Visa Policies of European Union Member States. Monitoring Report", Warsaw, June 2006, at <http://www.batory.org.pl/english/intl/pub.htm>.

An extract by way of illustration: "Almost all Consulates did nothing to ensure suitable conditions for those waiting outside the Consulate, that is, shelter from rain or snow [...] or even a place to sit. This seemingly minor problem gains in importance when we realise that the waiting time outside the building can last all night long (the case of the Consulates of France in Belarus)." (Page 22).

- 5.15 **Transfer of experience and skill** should not only involve people travelling out of Belarus: visits to Belarus need to be arranged, and various activities, seminars, conferences and round tables with partners from EU countries need to be organised and held in the country itself. Sufficient scope and support should be given to the work and activity of private foundations that carry out and fund such activities. Examples of good practice and successful models of similar activities with Ukrainian civil society organisations could serve as examples to follow.

Brussels, 14 September 2006

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