

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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A call to Belarusian parliament to quash legislative amendments restricting freedoms of assembly and association

Amnesty International today joined ARTICLE 19, Civil Rights Defenders, Front Line Defenders, Human Rights Watch, the Human Rights House Foundation, the Norwegian Helsinki Committee, the Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), in an appeal to the Belarusian parliament. The appeal urges the upper house of Parliament to quash recent legislative amendments that impose limitations on freedom of assembly and association and could severely restrict the work of Belarusian civil society groups, especially those working on human rights or related issues.

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

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

The proposed legislative changes include prohibiting NGOs from keeping funds in banks and other financial institutions on the territory of foreign states, and changes to the Criminal Code to establish criminal liability for receiving any foreign grants or donations 'in violation of the Belarusian legislation'. Such regulations may be interpreted widely, rather than narrowly, and may result in indiscriminate persecution of any activist or civil society group that receives foreign funding.

For decades, Belarusian civil society groups have been forced by the government to operate in increasingly difficult conditions and struggle with arbitrary registration procedures. By creating further restrictions in relation to receiving funding from abroad, the new legislation will inevitably push civil society groups to the margins of the law and will make their operation in Belarus close to impossible. Another amendment of the Criminal Code, proposes a new expanded definition of 'espionage', which will include 'intelligence gathering activity' or 'any form of other assistance to a foreign state, foreign organization or their representative in carrying out activities to the detriment of the national security of Belarus'.

This broad definition can be used for targeted persecution by the authorities of NGO activists and civil society leaders. Amendments to the Law on Public Gatherings further restrict freedom of peaceful assembly. According to the proposed new regulation, any kind of pre-planned public gathering in a place agreed upon in advance now constitutes 'a picket' and can be therefore considered violating '*the order of organisation or holding mass gatherings*'.

Organizers are required to report 'financial sources' used for the event, and are not allowed to spread information about the event, including through social networking sites, until the official permission is granted to conduct it (according to existing regulation, such permission can be issued no earlier than five days prior to the event). Another proposed change considers actions directed at 'public call for initiating' a gathering or a rally to be an administrative offence.

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

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