

Belarus Human Rights Index

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2022

Right to participate in public affairs

Expert Commentary

The Score: 1.9

Including component scores:

- Participation in public affairs in non-electoral contexts 1.5
- The right to vote and be elected 3
- Access to public service 1.2

Assessing the state of the right to participate in the conduct of public affairs in 2022, the Index experts gave lower scores than in 2021.

• Participation in the conduct of public affairs in non-electoral contexts

Experts note that the mechanisms enshrined in the legislation for involving stakeholders in shaping the decision-making agenda, as well as discussing proposed projects, programs, laws or policies have not changed in 2022. At the same time, there is a general atmosphere of fear and distrust of the authorities in the country in connection with the large-scale repressions that have unfolded against persons who disagree with the actions of the authorities during the 2020 presidential elections. This can be confirmed, among other things, by the number of citizens' proposals for inclusion in the plan for the preparation of draft legislative acts (2 in 2022¹). The statistics of the petitions.by platform, according to which the number of petition signatures in 2022 decreased significantly compared to previous years, may also be relevant².

According to the observations of experts, the state is taking progressive measures to limit the participation of citizens in the discussion of draft regulatory legal acts. For example, in 2022, the *forumpravo.by* portal, which is used as a platform for public discussion of draft legal acts, introduced registration by phone number of the Belarusian mobile operator. As a result, those who were forced to leave Belarus, or who fear persecution, have effectively lost the opportunity to exercise their right to participate in the conduct of public affairs through public discussions.

In addition, experts note that the number of draft legal acts submitted for public discussion has

¹ <https://forumpravo.by/opinion/100/>

² The decrease in the number of signatures can also be caused by the blocking of the site by the decision of the Ministry of Information: <https://devby.io/news/blokirovki-6-august>



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decreased. In 2020, 195 draft legal acts were submitted for public discussion, in 2022 - only 133. The average number of comments per draft decreased from 38 in 2020 to 6.61 in 2022.

Experts note a tendency to worsen the situation with participation in the conduct of public affairs: there is a practice of preventing attempts by all possible means to involve independent CSOs and individuals in the conduct of public affairs. State bodies ignore attempts by individuals and organizations to initiate any changes, referring to the presence of other competent structures. For example, when trying to initiate consideration of the issue related to sick leave, the Ministry of Labor stated that the sphere of labor relations is the competence of trade unions, which should send such proposals.

By 2022, there are only a small number (no more than 10) of republican and regional business unions that participate in advisory structures and mechanisms under state bodies in connection with the mass forced liquidation of CSOs in 2021 the interests of social groups, because in their organizational and legal form they are not membership-based structures).

A landmark event was the preparation for the referendum on amendments to the Constitution, held on February 27, 2022.

In 2022, events were launched to discuss the draft amendments – the so-called "dialogue platforms", which in essence had little to do with the format of the dialogue. This mechanism was a cover behind which the real lack of opportunities for discussion was hidden. In fact, the dialogue platforms represented another opportunity for the pro-government structures to campaign for the draft amendments and the referendum as such. A public discussion was also organized on the forumpravo.by portal. According to official data, during the time allotted for public discussion, almost 9,000 opinions were expressed, of which 99.25% were in favor of the proposed amendments.

At the same time, as the Venice Commission notes, there is nothing to suggest that the opposition, other stakeholders and civil society were able to express their views on the proposed text of the amendments. This is a violation of the requirement of inclusivity³.

Moreover, experts cite cases of prosecution for trying to express an alternative opinion on amendments to the Constitution on dialogue platforms, cases of deprivation of bonuses, postponement of vacation for an inconvenient period for expressing a point of view that does not coincide with the pro-government one. Two weeks before the referendum, preventive detentions began of potential opponents of the draft amendments to the Constitution submitted to the referendum, public activists and participants in peaceful assemblies in 2020, as well as "preventive conversations" about non-participation in unauthorized protests. In cases of agitation against participation in a referendum or a draft amendment to the Constitution submitted to a referendum, the authors were detained and brought to administrative responsibility. The campaign "Human Rights Defenders for Free Elections" recorded at least 38 such facts. The detainees were sentenced to administrative penalties in the form

³ P. 8-9, Urgent Interim Opinion on Constitutional Reform, European Commission for Democracy through Law (Venice Commission) (hereinafter referred to as the Opinion on Constitutional Reform). Available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2022\)008-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2022)008-e)



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of administrative arrest for a period of 7 to 15 days⁴. In addition, at least 11 people became defendants in criminal cases related to the referendum⁵.

The constitutional reform implied, among other things, the constitutional consolidation of the status of the All-Belarusian People's Assembly (hereinafter referred to as the ABPA) as the highest representative body of democracy, which determines the strategic directions for the development of society and the state, ensures the inviolability of the constitutional system, the continuity of generations and civil harmony⁶. Experts agree that this body is not integrated into the existing system of separation of powers and there is no need for it.

The Venice Commission characterizes this body as a tool for maintaining power and control for the current president of Belarus⁷.

The delegates of the ABPA are the President; The President, who terminated the exercise of his powers due to the expiration of his term of office or ahead of schedule in the event of his resignation; representatives of the legislative, executive and judicial branches; representatives of local Councils of Deputies; representatives of civil society. The maximum number of delegates to the ABPA is 1200 people, the procedure for their election is not specified in the Constitution. Such a large number raises doubts among experts about the ability of this body to carry out the extensive functions entrusted to it. In these circumstances, according to experts, the Presidium of the WPC will play a decisive role. The composition of the Presidium of the ABPA is not defined in the Constitution, but it will certainly include the President (who, in turn, is likely to be elected as the Chairman of the ABPA). At the same time, his powers were neither defined nor limited⁸. The Venice Commission notes that the Presidium of the ABPA will represent a kind of "parallel government" that will function in parallel with the Council of Ministers and the Parliament and, when necessary for the President, would replace them⁹.

The functions of the ABPA are extensive. The ABPA has the right of legislative initiative, proposes amendments and additions to the Constitution, proposes the holding of republican referendums, has the right to consider the issue of the legitimacy of elections, approves the main directions of domestic and foreign policy, military doctrine, the concept of national security, programs of socio-economic development, elects judges of the Constitutional Court, the Supreme Court and dismisses them from

⁴ P. 15, Итоговый аналитического отчета экспертной миссии по оценке республиканского референдума по вопросу внесения изменений и дополнений в Конституцию Республики Беларусь 2022 года,, Human Rights Defenders for Free Elections (hereinafter referred to as the Referendum Evaluation Report). Available at:

https://spring96.org/files/misc/final_spravzdacha_2705_ru.pdf

⁵ P. 15-16, Referendum Evaluation Report

⁶ Art. 89-1, Constitution of the Republic of Belarus

⁷ C. 15, Conclusion on Constitutional Reform

⁸ C. 11, Conclusion on Constitutional Reform

⁹ C. 15, Conclusion on Constitutional Reform



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office, exercises other powers¹⁰.

However, some of the functions of the ABPA are vaguely worded, in particular, the right of the ABPA to consider the "issue of the legitimacy of elections", to give binding instructions to state bodies and officials, as well as to cancel legal acts and other decisions contrary to the interests of national security, with the exception of acts of judicial bodies, encroach on the competence of other state bodies¹¹.

In 2022, in the context of the political crisis, decisions on the most important issues of state and public life were not made taking into account the opinions of all stakeholders. The involvement of Belarus in the armed conflict between the Russian Federation and Ukraine is an illustrative example. At the end of February 2022, residents of Belarus took to the streets to protest, including to protest against the war¹². The authorities responded with mass detentions: in just a few days, at least 952 people¹³ were detained.

The system does not provide for broad representation of all interested parties, but takes into account only those opinions that correspond to the pro-government agenda. In addition, there is an institutionalization and nationalization of the process of participation in decision-making. This means that the surviving structures of civil society operate on the basis of the ideological basis adopted by the current government. Attempts to go beyond the "correct" ideological field are punished as extremist actions. An example is also the situation in which the state allows the promotion of the interests of any groups only through the activities of pro-government organizations ("GONGO") and accepts, accordingly, proposals that come only through such organizations, for example, "official" trade unions - in the field of labor, the Belarusian Republican Youth Union - in the field of youth policy, the Belarusian Women's Union - in the field of gender and demographic policy, etc.

The state formally approaches the obligation to inform all interested parties about the grounds, causes and consequences of decisions. Experts note that in 2022, the trend of increasing the number of legal acts in the form of presidential decrees (adopted alone) continued, in which most of the text is hidden with the note "For official use". In addition, some of the acts of the President are not published at all: based on the data of the *pravo.by* portal, 306 decrees and 1 presidential decree¹⁴ have been published on the portal, which is 65% of all decrees¹⁵ adopted in 2022 (in 2021 this figure was 69%). Thus, at

¹⁰ Art. 89-3, Constitution of the Republic of Belarus

¹¹ C. 15, Conclusion on Constitutional Reform

¹² <https://news.zerkalo.io/life/12457.html>

¹³ P. 11, Human rights situation in Belarus in 2022. Analytical Review, HRC Viasna (hereinafter referred to as the Review of HRC Viasna). Available at: https://spring96.org/files/misc/annual_review_2022_final_ru.pdf

¹⁴ https://pravo.by/natsionalny-reestr/poisk-v-reestre/?p0=&r_sect=&r_num=&num_pr=&date_pr=&date_pr_start=01.01.2022&date_pr_end=31.12.2022&r_date=&r_date_start=&r_date_end=&p_date=&p_date_start=&p_date_end=&organ_mode=0&organ_list=300;&akt_list=12;

¹⁵ https://pravo.by/natsionalny-reestr/poisk-v-reestre/?p0=&r_sect=&r_num=&num_pr=&date_pr=&date_pr_start=01.01.2022&date_pr_end=31.12.2022&r_date



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least 35% of the acts are not published, despite the fact that these acts concern the interests of the general public.

The tendency to hide the text of regulatory legal acts can also be traced in other acts, for example, acts of ministries, the National Bank of the Republic of Belarus, etc. In 2022, the practice of closing state statistics expanded to new areas - the impact of sanctions, medicine, foreign trade, mortality. As another problematic point, experts call the inaccessibility of some websites of government agencies from abroad.

In 2022, for the first time in Belarus, it was recommended that state-owned (with a state share) banks, non-bank financial institutions and enterprises that fell under EU and US sanctions not publish final and interim financial statements, including those prepared in accordance with International Financial Reporting Standards, which also violates the rights of citizens to access information on public financial management, fiscal policy and the amount of subsidies and subsidies.

Decision-making at the regional and international level also takes place without the participation of all stakeholders. According to experts, more and more "short-sighted" decisions are being made with long-term negative consequences for the population.

Decree of the President of the Republic of Belarus of July 18, 2022 No. 247 "On the withdrawal of the Republic of Belarus from an international treaty" adopted a decision on the withdrawal of the Republic of Belarus from the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, adopted on June 25, 1998 (Aarhus Convention). Belarus' withdrawal from the Aarhus Convention entered into force on 24 October 2022. In 2021, the Aarhus Committee found that Belarus had failed to implement its recommendations to prevent harassment and harassment of environmental rights defenders in Belarus, and expressed serious concern that the situation of environmental defenders in the country was rapidly deteriorating. The case of the Belarusian environmental organization Ecodom, whose forced liquidation by the authorities was recognized as a case of persecution and harassment of NGOs under the Aarhus Convention, is described in the commentary to the assessment of the right to participate in the conduct of public affairs for 2021. In support of this decision, the authorities referred to the biased and discriminatory attitude on the part of the governing bodies of the Aarhus Convention, the facts of pressure on a sovereign state¹⁶. Subsequently, by the decision of the State Security Committee of October 17, 2022, Ecodom and its social media pages were recognized as an extremist formation¹⁷.

In 2022, authorities continued to stigmatize and criticize CSOs that receive foreign funding, as well as discredit CSOs that submit alternative reports to international monitoring mechanisms (the authorities accuse them of defamation). The activities of civil society at the international level are not only discouraged, but also punished: criminal liability is provided for calls for sanctions, as well as for

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[st=3;](#)

¹⁶ <https://news.un.org/ru/story/2022/08/1429362>

¹⁷ <https://reform.by/334324-jekologicheskiju-organizaciju-jekodom-priznali-jekstremistskim-formirovaniem/>



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organizing activities, participation in the activities of an unregistered or liquidated political party, public association, religious organization or foundation¹⁸. The first is punishable by imprisonment for up to 12 years (the maximum term for various offences under one article).¹⁹ According to the Human Rights Center "Viasna", at least 45 people were prosecuted for calling for restrictive measures (sanctions) in 2022²⁰.

Criminal liability for participation in the activities of an unregistered NGO was reintroduced in Belarus by amendments to the Criminal Code of the Republic of Belarus of January 4, 2022 (previously decriminalized). The sanction for this corpus delicti is a fine, or arrest, or imprisonment for up to two years. In July 2022, it became known about the first case under this article - against Olga Velichko, the head of the Grodno children's hospice²¹.

Experts separately draw attention to the following examples as indicative of the issue of punishment (rather than encouragement) for the participation of civil society actors in the conduct of public affairs, including in the international arena: throughout 2022, the chairman of the Human Rights Center "Viasna" Ales Bialiatski, who was awarded the Nobel Peace Prize in October of the same year, was held in a pre-trial detention center without trial on trumped-up charges. Member of the Board of the Human Rights Centre "Viasna", Vice-President of the International Federation for Human Rights (FIDH) Valiantsin Stefanovich, lawyer, coordinator of the campaign "Human Rights Defenders for Free Elections" Uladzimir Labkovich.

The procedures for initiating decisions and directly resolving national and local issues related to public life (initiating referendums, legislative initiatives, etc.) do not work in Belarus. In connection with the beginning of the armed conflict on the territory of Ukraine, an "anti-war" appeal of the Belarusian legal, legal and human rights community appeared on the Internet. The petition was signed by more than 260 lawyers, after which lawyers began to be summoned to the collegium and demanded explanations, some lawyers were deprived of their licenses for signing this appeal. 8 of them were brought to disciplinary responsibility in the form of reprimands.

In 2022, the situation with businesswoman Tatyana Shostak from Polotsk is also noteworthy. Tatiana prepared a collective appeal (with the signatures of other entrepreneurs) to the local authorities with a request to clarify how the business should work in the new conditions of state price regulation, which she was going to hand over to the authorities on October 26, 2022 at a personal reception. Tatyana Shostak was detained on the morning of October 26, when she was leaving her house, and taken to the police. After that, her house was searched, during which the security forces took away all the documents with the collective appeal of entrepreneurs to the chairman of the city executive committee and the woman's phone. On the same day, the trial took place. Friends and relatives could not get to the

¹⁸ Art. 193-1, Criminal Code: <https://pravo.by/document/?guid=3871&p0=hk9900275>

¹⁹ <https://pravo.by/document/?guid=12551&p0=H12100133>

²⁰ P. 12, Overview of HRC Viasna

²¹ <https://csometer.info/updates/belarus-first-criminal-case-brought-continuing-cso-activities-after-forced-liquidation>



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hearing, as the trial was held suddenly in an accelerated mode²². The businesswoman received 30 days of administrative arrest, according to information from pro-government Telegram channels, for distributing extremist materials under Article 19.11 of the Code of Administrative Offenses²³.

In Belarus, there is no separate special normative act on access to information under the jurisdiction of state bodies and local self-government, there are no uniform legal guarantees that would fully contribute to the realization of the right to information. Public authorities have broad powers to restrict public access to a wide range of information. In practice, draft normative legal acts, including laws affecting the rights and legitimate interests of citizens, are freely published selectively. There is also a gap in the legal regulation of the issue of access to information on the law enforcement practice of state bodies²⁴. The authorities impede the free flow of information in the country at various levels. The courts replicate decisions on the recognition of extremist materials of information products posted on various Internet resources. According to official data, in January-November 2022, the state restricted access, in whole or in part, to 3002 Internet resources (mainly Telegram channels and chat rooms).²⁵ At the same time, over the previous seven years, a little more than 5000 resources were subjected to such restrictions²⁶. In 2022, media outlets were also prosecuted for using the word "war" in reference to the armed conflict between Russia and Ukraine²⁷.

- **The right to vote and to be elected**

The electoral process in the Republic of Belarus does not meet a number of established international standards for holding genuine, democratic and fair elections and is accompanied by numerous violations of the requirements of national legislation. Participation in elections is not a real mechanism for the participation of citizens in public affairs, since the participation of voters in formal electoral procedures does not have an actual impact on the composition of the government and other state bodies, and the results of the will of voters do not determine the political course pursued by the government.

In 2022, a referendum was held on amendments to the Constitution of the Republic of Belarus. The referendum took place in an atmosphere of fear caused by the repression of the authorities against citizens, activists, civil society and the media. Experts note unequal access to state media for supporters and opponents of amendments to the Constitution, the use of administrative resources in order to support the text of amendments to the Constitution. As before, numerous facts of coercion of voters to

²² <https://news.zerkalo.io/life/25178.html>

²³ <https://news.zerkalo.io/life/25233.html>

²⁴ P. 73-83, Interaction of Local Authorities and Non-Profit Organizations in Belarus: Legal Regulation and Practice, Olga Smolyanko, Yuri Chausov. Available at: <https://www.lawtrend.org/wp-content/uploads/2019/04/book-rds-2019.pdf#viewer.action=download>

²⁵ https://minsk.gov.by/ru/actual/view/209/2022/inf_material_2022_12.shtml

²⁶ <https://baj.by/ru/analytics/smi-v-belarusi-v-2022-godu>

²⁷ <https://greenbelarus.info/articles/31-03-2022/zelyonny-portal-poluchil-pismo-schastya-ot-roskomnadzora>

participate in early voting were recorded²⁸.

The Venice Commission notes that "it is difficult to see how, in this political context... "appropriate, open, informed and timely involvement of all political forces and civil society" could be ensured; "unhindered exercise of freedom of peaceful assembly, freedom of expression"; or "fair, adequate and broad media coverage of the arguments", including opposing points of view".²⁹

Thus, none of the 20 candidates from opposition parties was included in the territorial election commissions, and none of the 42 candidates was included in the precinct election commissions. In addition, the lack of confidence in the system of election commissions as such is evidenced by the extremely small number of candidates nominated by opposition parties (in fact, units). Most of the candidates for members of the territorial commissions were nominees of pro-government public associations and trade unions that are members of the Federation of Trade Unions of Belarus (hereinafter referred to as the FTU) (the ratio of the number of representatives included in the commissions to the number of nominated representatives from these organizations is 99.17%). The territorial commissions included 956 representatives of five pro-government public associations and trade unions of the FTU, which accounted for 54.39% of the total composition of the commissions. 636 people represented groups of citizens (34.25% of the total), 122 - labor collectives (6.57% of the total). Election commissions also could not include representatives of independent public associations due to their forced liquidation, which began in 2021.

In addition, the Central Election Commission (hereinafter referred to as the CEC) imposed restrictions on the number of observers at polling stations. According to the CEC, 42.93% of voters took part in early voting, the highest number for the entire period of election campaigns in Belarus.

Copies of the final protocols with the results of the vote count were not posted at a significant number of polling stations, the process of counting votes, as before, cannot be described as transparent³⁰.

Voting takes place in booths with open curtains. This is how government officials monitor whether people take pictures of ballots. For example, in Vitsebsk on February 26, at a polling station, police officers on duty noticed that a person was photographing a ballot. He was detained because he put two marks on the ballot³¹ and was accused of unauthorized picketing. According to the police officers, by putting two marks instead of one on the ballot paper for voting in the referendum, the citizen held an unauthorized picket³².

²⁸ P. 2, Referendum Evaluation Report

²⁹ C. 9, Urgent Interim Opinion on Constitutional Reform, European Commission for Democracy through Law (Venice Commission). Available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2022\)008-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2022)008-e)

³⁰ P. 3-4, Referendum Evaluation Report

³¹ Opposition forces urged voters to put two marks on the ballot paper (in the column "for" and "against"), thereby making the ballot invalid.

³² P. 17, Referendum Evaluation Report



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In 2022, the authorities made an administrative decision that polling stations for voting in the referendum would not be organized in the embassies and consulates of Belarus. In support of this decision, the authorities referred to the epidemiological situation, the inability to ensure a sufficient level of security in the organization of voting, as well as the lack of the required number of citizens on consular registration. At the same time, polling stations at embassies were previously opened in all election campaigns³³. As a consequence, measures have been taken in the State to limit the possibility for persons entitled to vote to exercise it

The amendments to the Constitution of the Republic of Belarus adopted in 2022, among other things, relate to restrictions on the right to vote and the right to be elected. Thus, amendments to article 64 of the Constitution excluded the provision that did not allow persons in respect of whom a preventive measure of detention was chosen to vote and be elected. The draft amendments to the Electoral Code, submitted for public discussion on October 24, 2022, contain a similar provision implementing the amendments to the Constitution. In this regard, the experts raised the score for the criterion of reasonable restrictions on the right to vote in elections and referendums.

However, Article 80 of the Constitution, as amended, establishes an extended period of permanent residence in Belarus, which is mandatory for the election of a citizen as President (from 10 to 20 years), and prohibits persons who previously had citizenship of a foreign state or a residence permit or other document of a foreign state entitling them to benefits³⁴. The Special Rapporteur on the situation of human rights in Belarus notes that this "constitutional change appears to be aimed at preventing the political opposition currently in exile from nominating a candidate for the presidency in future elections".³⁵

In July 2022, the date of the single voting day, the institution of which was introduced in 2021, February 25, 2024³⁶ became known. Although this fact does not exclude violations of the law and manipulation of deadlines by the authorities, the definition of a single voting day contributes to predictability: political parties can plan their work in advance, citizens can understand the exact dates and prepare for elections.

Voters are not given the opportunity to form their own opinions, free from violence or threat of violence, coercion, inducement or interference of any kind. Experts note the continuing atmosphere of violence after the events of 2022. Thus, systemic and large-scale repressions against independent media, representatives of civil society, independent trade unions, human rights defenders, and persons who have expressed disagreement with the actions of the authorities – all this has an extremely negative

³³ P. 10, Referendum Evaluation Report

³⁴ <https://pravo.by/pravovaya-informatsiya/normativnye-dokumenty/konstitutsiya-respubliki-belarus/>

³⁵ P. 58, Report of the Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin, presented at the 50th session of the Human Rights Council of the UN General Assembly. Available at: <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F50%2F58&Language=E&DeviceType=Desktop&LangRequested=False>

³⁶ <https://reform.by/320542-edinyj-den-golosovaniya-projdet-25-fevralja-2024-goda>



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impact on the ability of citizens to independently form their own opinions, free from violence or threat of violence.

- **Right of access to public service**

Access to public service is not ensured on the basis of equality and on the basis of the general principles of merit of candidates. As before, in 2022, according to experts, the principle of loyalty to the authorities is the only one when deciding on access to public office. In addition, mandatory attestation / re-certification of civil servants provides for checking and evaluating, first of all, loyalty to the policies of the authorities, and not professional skills, knowledge and experience, the presence of scientific discoveries, wide recognition of creative and cultural values or sporting achievements. Mandatory requirements for admission to the civil service of young specialists within the framework of the distribution after graduation, behind the scenes, are membership in the Belarusian Republican Youth Union (a pro-government public association) and the absence of close relatives detained, convicted or subjected to administrative penalties under political articles. There is a pervasive climate of fear that discourages the desire to enter the civil service.

Political repression of political dissent, including unfair dismissals that began after the events of 2020, has also affected employees of state-owned enterprises and public organizations, such as educational, health and cultural institutions, as confirmed by the Special Rapporteur on the situation of human rights in Belarus³⁷.

On June 1, 2022, Law No. 175-Z "On Civil Service" was adopted. The civil service system has not undergone significant changes. However, according to experts, the adopted law partially legalizes the existing discrimination in the issue of access to public service. Thus, the Law excludes the possibility of holding in the civil service of persons who have citizenship (citizenship) of another state, unless otherwise provided by international treaties³⁸, as well as documents of foreign states granting rights to benefits and advantages in connection with political, religious views or nationality³⁹ (which implies, among other things, the presence of a residence permit). The previous law established a ban only for persons who did not have citizenship of the Republic of Belarus.

In addition, the principle of prohibiting the collection of information about the personal life of candidates was excluded from the Law. As cases of indirect discrimination, experts named the following situation: the Law prohibits the employment of persons dismissed for any defamatory circumstances⁴⁰,

³⁷ P. 5, Report of the Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin, presented at the 50th session of the Human Rights Council of the UN General Assembly. Available at: <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F50%2F58&Language=E&DeviceType=Desktop&LangRequested=False>

³⁸ Para. 1.7 Art. 38, Law "On Civil Service"

³⁹ P. 3 Art. 28, Law "On Civil Service"

⁴⁰ P. 6, Decree No. 5 of December 15, 2014 "On strengthening the requirements for management personnel and employees of organizations." Available at: <https://president.gov.by/ru/documents/dekret-5-ot-15-dekabrja-2014-g-10434>

in the civil service within two years after such dismissal, and for civil positions included in personnel registers - within five years after such dismissal, unless otherwise established by the President of the Republic of Belarus⁴¹. In itself, this ban is a reasonable restriction, however, due to the large number of people who were dismissed for political reasons with reference to defamatory circumstances, the ban will also apply to those people whose dismissal was initially unlawful.

Promotion, temporary or complete suspension from office is also carried out according to the criterion of loyalty. Among other things, this is manifested in the procedures for the formation of personnel registers (the purpose of which is to monitor the qualitative composition of personnel registers), personnel reserves: The law establishes that the procedure for the formation and verification of information about candidates for positions included in personnel registers is established by the President of the Republic of Belarus⁴². This means that the criteria by which candidates will be included in such registers are determined solely by the President, the potential objectivity of such criteria is questioned by experts.

In 2021, experts recorded a trend towards increasingly unreasonable and unjustified appointments of persons from the "power bloc" to senior positions in civilian executive bodies. Experts call this situation the militarization of leadership positions. In 2022, this trend has expanded to the sphere of public service as such. Experts identify the following manifestations of this trend: firstly, the introduction of the concept of "service discipline" for civil servants, and secondly, the adoption of a code of ethics, which, according to experts, is more like a military charter.

Thus, for civil servants, the Law "On Civil Service" provides for the strengthening of discipline requirements both during working and non-working hours (service discipline). For the first time, the Law introduced the concept of "service discipline", which is defined as the performance by civil servants of their official duties established by the Law, other legislative acts, job descriptions, orders of managers, as well as the terms of contracts (fixed-term employment contracts).⁴³ According to experts, the concept of service discipline is similar to military discipline.

The law formulates general requirements for the ethical conduct of civil servants⁴⁴. For example, it has been established that even during off-duty hours, civil servants must follow high moral principles and norms of behavior⁴⁵. In addition, when maintaining personal accounts on social networks, they should not post information that is prohibited from being disseminated in the media, as well as information that could damage their personal reputation and the authority of the authorities as a whole⁴⁶.

The militarization of the civil service is also indicated by the arming of employees of the Ministry of

⁴¹ Para1.11 Art. 38, Law "On Civil Service"

⁴² Para. 2, Art. 12, Law "On Civil Service"

⁴³ Para. 1 Art. 72, Law "On Civil Service"

⁴⁴ Para. 1.12 p.1 Art. 25, subd. 2.2 p. 2 Art. 72, Appendix to the Law "On Civil Service"

⁴⁵ Para. 15, Annex to the Law "On Civil Service"

⁴⁶ Para. 14, Appendix to the Law "On Civil Service"



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Emergency Situations (hereinafter referred to as the Ministry of Emergency Situations) by order of the President of the Republic of Belarus⁴⁷. Some of the employees were armed so that in the event of a conflict or hostilities, they could be used for military purposes on an equal basis with the army. According to the Minister of Emergency Situations, employees of the Ministry of Emergency Situations are trained to act in special conditions: during "internal problems and problems associated with riots" in the interests of the internal affairs bodies, and in the event of armed conflict and aggression - in the interests of the Ministry of Defense⁴⁸. Experts note that the Law "On Bodies and Units for Emergency Situations of the Republic of Belarus" does not provide for⁴⁹, the possibility of using weapons by "rescuers" in such situations, while the issuance of a presidential order is not a proper change in the law as a regulatory legal act.

According to experts, in 2022, not a single tool was implemented in Belarus that would give civil servants freedom from political interference and pressure. Decisions are made solely on the basis of their compliance with the political course of the current government.

⁴⁷ <https://www.belta.by/president/view/ne-tolko-pozhar-budut-tushit-chast-sotrudnikov-mchs-belarusi-planirujut-vooruzhit-483320-2022/>

⁴⁸ <https://sputnik.by/20221017/beloruskie-spasateli-gotovy-zaschischat-stranu-s-oruzhiem-v-rukakh---ministr-1068026863.html>

⁴⁹ Art. 21, Law of the Republic of Belarus of 16.07.2009 No. 45-Z "On Bodies and Units for Emergency Situations of the Republic of Belarus". Available at: <https://pravo.by/document/?guid=3871&p0=H10900045>



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