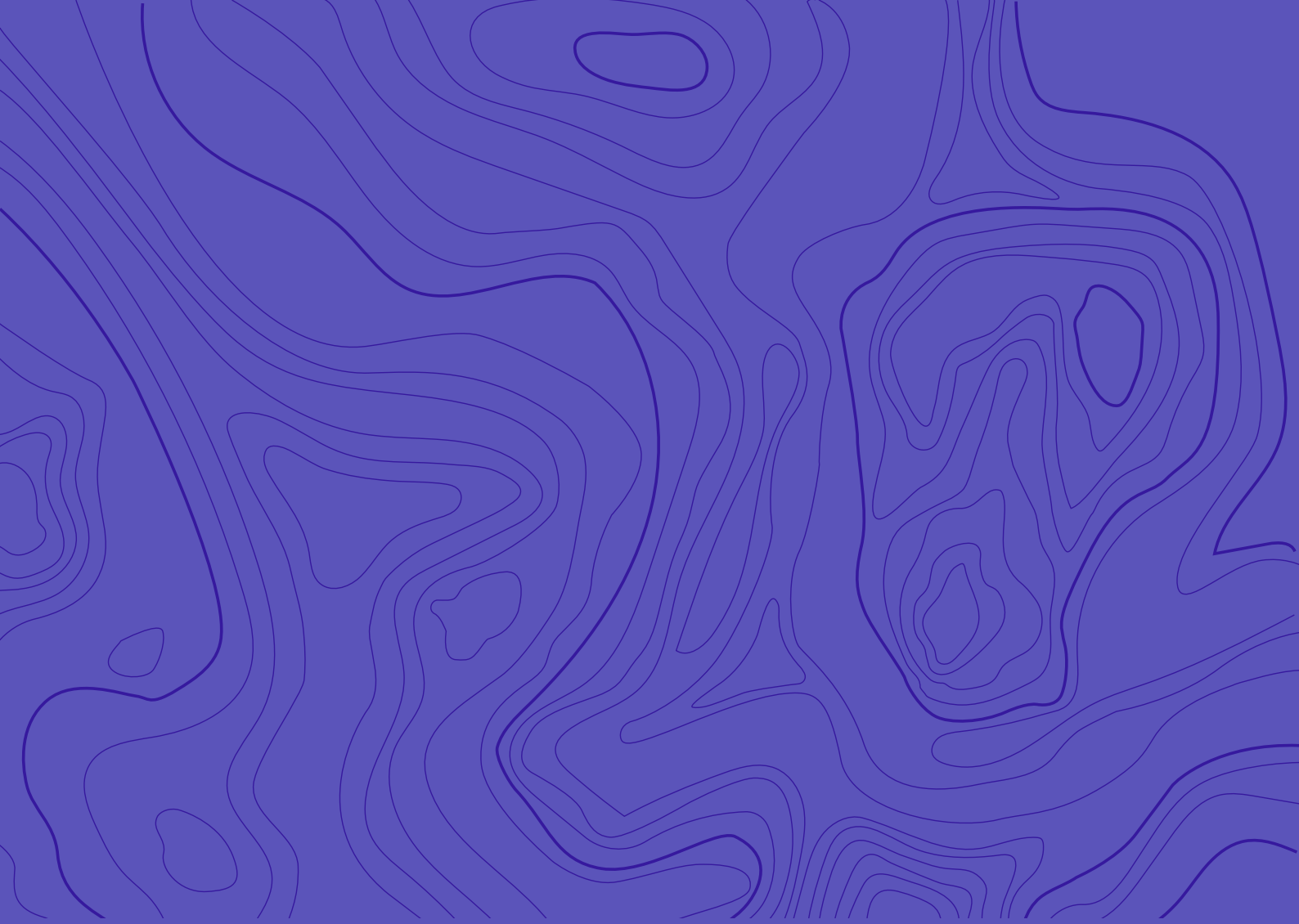




**BUSINESS AND HUMAN RIGHTS
IN BELARUS: THE CONTEXT
OF POLITICAL AND
HUMAN RIGHTS CRISIS
2020-2021**

ANALYTICAL PAPER

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On the cover of the report is a fragment of a tectonic map. It displays structure of the Earth's crust, taking into account its evolution, direction and the intensity of movements of the Earth's crust, fault systems. The crisis in Belarus 2020-2021 provoked tectonic shifts and violation of the integrity of the «crust» of our society. Business, like human rights, one might say, a kind of «tectonic plates». Understanding their relationships and the «fault system», as well as events affecting them is vital to identifying «seismically dangerous zones», «earthquake forecast» and «fossils», useful for the development of modern society.

The paper suggests an analytical review of the scope of human rights violations by Belarusian business during the year of political and human rights crisis 2020-2021 in Belarus in 3 dimensions: business-worker, business-client, business-local community. At the same time, the authors evaluate the extent, forms, and role of State participation in these violations and give brief review of general pressure on business from the State's side as an instrument of influence. The paper also suggests an analysis of the main consequences of the political and human rights crisis 2020-2021, which influence the promoting business&human rights agenda in Belarus. The document contains concrete recommendations for business on human rights due diligence while working in/with Belarus and the frame recommendations for the State.

(Russian version of the paper has been issued in Desember, 2021)

В документе предлагается аналитический обзор масштабов нарушений прав человека белорусским бизнесом за год политического и «правочеловечного» кризиса в Беларуси 2020-2021 в 3-х измерениях: бизнес-работник, бизнес-клиент, бизнес-местное сообщество. Дана оценка степени, формам участия и роли государства в таких нарушениях. Также дан краткий обзор государственного давления на бизнес как инструмента влияния. Проанализированы основные последствия политического кризиса и кризиса прав человека 2020-2021, влияющие на продвижение повестки бизнеса и прав человека в Беларуси. По итогам обзора предложены конкретные рекомендации для бизнеса по осуществлению должной осмотрительности в сфере прав человека (human rights due diligence) при работе в/с Беларусью и рамочные рекомендации для государства.



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ACRONYMS AND LIST OF ABBREVIATIONS

BCDTU	Belarusian Congress of Democratic Trade Unions
BHC	Belarusian Helsinki Committee
CPHR	civil and political human rights
EBRD	European Bank for Reconstruction and Development
EBU	European Broadcasting Union
EKN	Swedish Export Credit Agency
EU	European Union
FTUB	Federation of Trade Unions of Belarus
HRDD	Human rights due diligence
ICT business	Information and Communications Technology Business
IFC	International Finance Corporation
IGDA	International Association of Computer Game Developers
ILO	International Labour Organization
NGO	non-governmental organizations
OECD	Organisation for Economic Co-operation and Development
SEHR	socio-economic human rights
UN	United Nations
UN Guiding Principles 2011, UNGP 2011, GP 2011.	2011 Guiding Principles on Business and Human Rights, developed under the auspices of the UN Human Rights Council

I INTRODUCTION

The events surrounding the presidential elections of 2020 gave rise to the unprecedented human rights crisis, which has never been seen in the history of sovereign Belarus. The business¹ has been caught up in socio-political processes due to its scale.

Moreover, on the one hand, new public demands have appeared in relation to stakeholders, including business enterprises, related to respect for a Person and human rights. On the other hand, there is extreme pressure on business from the State, when business cannot effectively address these demands without consequences. At the same time, it is evident that the state and the authorities are completely discredited as being responsible for caring for the Person, which generates expectations in relation to another stakeholder - business, and which opens up new opportunities for business.

All mentioned above actualizes the discussion of a new agenda for Belarus - business and human rights. This agenda has long been advancing in the world². Today business and human rights agenda is an integral part of the development of society, the state as an institution, and is vitally important in the period of subsequent transformation in Belarus.

A basic business obligation under the current standard is [human rights due diligence \(hereafter - HRDD\)](#)³. Its essence lies in the fact that business enterprises should identify and assess any actual or potential adverse human rights impacts with which they are involved either through their own activities or because of their business relationships. They should mitigate adverse human rights impacts by taking all appropriate actions. Moreover, they should prevent adverse human rights impacts in the future. In addition, in order to address such impacts properly, business should provide for or cooperate in remediation through legitimate processes. HRDD covers the risks of the business being involved in human rights abuses by the actions of third parties: both business partners and a state.

The involvement of business enterprises in human rights abuses and the participation of the state in such activities became already evident at the stage of the presidential election campaign. In August 2020, [the office of the United Nations \(hereafter - UN\)](#)

¹ Hereafter the words «business» and «business enterprises» are used interchangeably.

² For more information on the business and human rights framework, see Deikalo, E., Belarus: Human rights and business (Guide for business, government, and civil society), 2019, <https://biz.belhelcom.org/>

³ The standard is based on the 2011 United Nations Guiding Principles on Business and Human rights: https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_en.pdf. The standard is widely recognized by key stakeholders: it is included in the agenda of the European Union (hereafter - EU) (including the national legislation of a number of EU member states), the Council of Europe, it is incorporated into the documents of the International Labour Organization (hereafter – ILO), Organisation for Economic Co-operation and Development (hereafter – OECD), standards of the international financial institutions, which are financing business (including Belarusian business): International Finance Corporation (hereafter – IFC), European Bank for Reconstruction and Development (hereafter – EBRD), World Bank, internal policies of international industry associations and large national and international corporations.

Global Compact Network Belarus made a statement about the violations of worker's rights by business in connection with the elections and the post-election situation⁴. In November 2020, the coalition of human rights organizations in Belarus published an open appeal to business (including foreign ones) in connection with the human rights crisis in Belarus⁵. The statement draws attention to the risks for government-affiliated business enterprises being implicated in human rights abuses. In the appeal, the coalition calls for and gives specific recommendations on how businesses must comply with their human rights due diligence obligations. These recommendations have been taken into account when developing recommendations based on the results of this particular analytical paper.

Monitoring of the topic, as well as the consulting of some foreign businesses (wishing to enter the Belarusian market or already working in Belarus) in connection with the current situation, revealed difficulties in understanding by the foreign partners the context and the essence of what is actually happening in the country, as well as a lack of objective information.

Business often found itself between the devil and the deep blue sea,; pressure from the authorities, which used various methods of influence in order to retain its power, and the demand of opposition's supporters to stop working in the country so as not to finance the regime.

Based on the foregoing, in a year and a half after the presidential elections and the events that followed them, we made an interim review and analysis of the scale of human rights violations by business enterprises during the first year of the political and «human rights» crisis in Belarus. In addition, we assessed the degree of involvement and the role of the State in such violations and offered recommendations for business and the State.

The target audience of the paper:

- foreign partners and investors for Belarusian business (both existing and potential);
- relevant international organizations (including EU, IMF, EBRD, ILO, UN);
- Belarusian business;
- trade unions;
- representatives of the state structures, who are soberly assessing the situation and interested in resolving the crisis and ending the confrontation.

⁴ <https://infobank.by/infolineview/zayavlenie-ofisa-seti-globaljnogo-dogovora-oon-po-situacii-v-belarusi/>

⁵ <https://belhelcom.org/ru/news/obrashchenie-pravozashchitnikov-k-biznesu-v-svyazi-s-krizisom-s-pravami-cheloveka-v-belarusi>

This analysis will **also be useful for:**

- civil society organizations (human rights, economic non-governmental organizations (hereafter – NGOs) both Belarusian and international, analytical research centers, thinktanks, etc.);
- Belarusian political initiatives;
- independent experts and researchers in the field of politics, economics, human rights;
- Belarusian legal community.

Research methodology

The factual data, on the basis of which the analysis of human rights abuses by business enterprises and the involvement of the state in such abuses was made, was collected from open sources (media, information from civil initiatives, etc.), as well as from personal messages of the victims of human rights abuses to the human rights defenders of the Belarusian Helsinki Committee (hereafter - BHC).

The collection of violation cases was carried out from July 2020 to September 2021 as a part of the preparation by the BHC of a common open database on business human rights violations (both – Belarusian and foreign business) and responsible business practices in the field of human rights (currently in the process of development).

All other information, including measures taken by international organizations, is actual as of November 2021.

207 cases of human rights violations by business were analyzed **in total**. The analysis of specific cases presented in the paper does not claim to be exhaustive information about all human rights abuses, it does not claim statistical accuracy, but it constitutes an illustration of a cross-section of the problem.

All data and specific examples, which are in the text, have links to the sources (all links are available). However, some links cannot be provided due to the recognition of a number of information resources as extremist by the State's authorities⁶. The pace at which the authorities classify independent resources and the media as extremist also forces us not to indicate a number of references as a preventive measure.

The authors are grateful to colleagues for their help in collecting information, discussing the text, comments and suggestions for its improvement. At the request of our colleagues, we do not give their names.

⁶ The list of media, recognized as extremist by Belarusian authorities is available here: <http://mininform.gov.by/documents/respublikanskiy-spisok-ekstremistskikh-materialov/>

| SUMMARIZING CONCLUSIONS

1. Factors associated with the authoritarian regime in Belarus, aggravated by the political human rights crisis in 2020-2021, which have influenced and will continue to influence the respect of human rights by business enterprises in Belarus:

- special dependence of state businesses on political power;
- the use of business (public and private) by the authorities as a tool to achieve political goals;
- dependence of the Federation of Trade Unions of Belarus (hereafter - FTUB) (the main trade union organization in the country) from the authorities and its affiliation with the State;
- dependence of all controlled institutions in the country on the authorities, the absence of the independent court and other elements of the division of powers;
- large-scale pressure on civil society, including mass media, lack of free access to necessary information;
- the use of legislation, including labor legislation, to increase the dependence of a person on the State;
- lack of the system of training personnel with the necessary qualifications and skills for working on the topic of human rights;
- a high degree of personification of power (which leads to unpredictability of any decisions). The authorities, being in a situation of turbulence and looking for ways of self-preservation, can make unpredictable and odious decisions, which could affect the state of the business (for example, the forced landing of a Ryanair plane entailed a qualitatively new round of sanctions, which also affected new supply chains).

2. The main forms of State involvement in the human rights violations by business enterprises in the framework of the 2020-2021 crisis:

- adoption of legislation that formally legalizes human rights violations;
- instructions from the government agencies implying violations of the rights of employees, customers and the local community by business enterprises;

- involvement of state's officials to put pressure on employees of business enterprises to suppress protest spirits;
- the use of security forces to suppress protest spirits and strike movements at a business enterprise and to ensure the work process.

3. In the context of electoral and post-electoral situations in Belarus, human rights that **have been directly or indirectly violated by business enterprises in relation to an employee:**

- the right to equal treatment (prohibition of discrimination);
- freedom of association, the right to form trade unions;
- the right to strike;
- the right to work (including the right to fair remuneration, fair pay, decent working conditions, reasonable limitation of working hours as a part of it);
- the right to social security, the right to access information;
- freedom of expression;
- electoral rights (as a part of the right to participate in the conduct of public affairs);
- right to privacy;
- the right to liberty and security of person;
- freedom from torture, cruel, inhuman and degrading treatment;
- the right to health.

4. In most cases, in one particular case there were violations of several rights at once. Moreover, more than 60% of the cases were accompanied by dismissal from work for civic or political activity. These 60% + include so called dismissals «of their own free will or by agreement of the parties», which is the most latent form of violation. The percentage of dismissals «of their own free will» is more than 50% of the total number of dismissals.

5. Human rights that **have been violated by the business enterprises directly or indirectly in relation to the customer:**

- the right to equal treatment (prohibition of discrimination);
- the right to access information;
- freedom of expression;
- the right to liberty and security of person;
- freedom from torture, cruel, inhuman and degrading treatment;
- the right to health.

6. Human rights that **have been violated by business enterprises directly or indirectly in relation to the local community:**

- the right to equal treatment (discrimination, including hate speech, inciting social hatred);
- electoral rights;
- the right to liberty and security of person;
- freedom from torture, cruel, inhuman and degrading treatment;
- the right to health;

7. The human rights crisis against the background of the political crisis has caused a serious reaction from international organizations. Since November 2020, the EU has adopted 3 resolutions calling on EU resident companies operating in Belarus to carry out particularly human rights due diligence in accordance with the UN Guiding Principles on Business and Human Rights (hereafter - UN Guiding Principles 2011); publicly protest against the repression; reorient cooperation with Belarusian business enterprises to the private enterprises that are «out of the regime»; stop cooperation and financing of Belarusian state-owned banks and limit credit lines from international banks to subsidiaries in Belarus; stop cooperation with the Belarusian authorities through the exchange of technologies and know-how.

8. The ILO, in the context of the Belarusian situation, emphasized the connection between social and economic rights of workers with their civil and political rights and freedoms. Worker's rights must be based on respect for civil liberties, as the absence of such freedoms makes the concept of trade union rights meaningless. Freedom of expression, freedom of assembly, freedom from arbitrary detention and the right to a fair trial stand out among the civil rights necessary for the normal functioning of

trade union rights. If a strike is started due to the inability to exercise their civil and political rights necessary for the functioning of trade unions, a peaceful call for the provision of such rights will not go beyond the functions of the union according to ILO standards.

9. The ILO noted the systematic (over 17 years) non-implementation by Belarus of the recommendations concerning legislative and law enforcement practice in relation to the rights of workers and trade unions. At the same time, the ILO recognized the situation with the rights of workers and trade unions in Belarus [as particularly serious, permanent \(at least since 2004\), requiring urgent measures, and unsatisfactory in terms of the volume and quality of the state's responses to the questions posed.](#)

10. Some foreign business partners raised the issue of human rights violations (up to the termination of relations) due to non-compliance by Belarusian partners with the provisions of domestic policies and/or international human rights standards that the foreign company adheres to in its business activities. Among such companies: Yara International, Nivea man, Skoda, Tissot, LiquiMolly, Michelin, EKN (Swedish export credit agency), Systembolaget, Scandia Steel, Nestle.

11. It is important to distinguish between the general and categorical requirement for foreign business to leave the country [as a tool of pressure on the authorities](#) and specific requirements for responsible business behavior (up to the termination of contracts) in the context of human rights [as a tool for improving the human rights situation in the activities of a business partner in the current crisis period.](#) If the first is purely political one, the second – a part of the standard and legal mechanism for setting a framework for business to behave responsibly.

At the same time, the use of the partnership lever cannot be outside the context of the country in which the business operates. Therefore, the development of the most realistic, adequate, country-specific measures and mechanisms for influencing partners should be carried out with the participation of local stakeholders - trade unions, NGOs, local experts.

12. Sanctions are not the tool for improving the human rights situation at the Belarusian partner enterprise, since their imposition and removal do not depend on the will of foreign business partners. Decisions on whether to impose sanctions or not are made by political actors, not by business. Moreover, in this scenario, the partners do not have «room for maneuver» and any influence on the Belarusian enterprise, which violates human rights: they must stop cooperation. At the same time, sanctions are a critical factor affecting doing business with/in Belarus.

13. Due to the current situation, the Belarusian business sees among the risks for its activities, in particular: a deepening political crisis, a threat to physical security, detention, an outflow of qualified personnel from the country, a decrease in productivity due to a tense socio-political situation, technical failures (including disconnecting the Internet). All mentioned above have affected the intensive relocation of a profitable and rapidly growing business (IT-sphere, startups). At the same time, for example, 44% of startups see democratic changes and new elections as the minimum condition for their return.

14. COVID pandemic, political and human rights crisis 2020-2021 altogether served as the factors of certain changes in the Belarusian society, including those related to legal awareness, attitudes towards human rights, a person's awareness of himself/herself as a subject of rights and a participant in decision-making processes. People started to demand accountability from stakeholders. This also influences the formation of a public demand for businesses to respect human rights.

CHAPTER 1. THE ROLE OF THE STATE IN BUSINESS ENTERPRISE'S HUMAN RIGHTS VIOLATION IN CONNECTION WITH THE 2020 PRESIDENTIAL ELECTIONS AND THE POST-ELECTION SITUATION

In accordance with its direct legal obligations on human rights, the state should not only refrain from violating human rights but should create conditions so that they are not violated by private individuals (entities) under its jurisdiction. Therefore, in the framework of business and human rights, the State has an important role to play. It is the main regulator and has positive obligations to take various measures and create conditions for business to respect human rights.

The Belarusian state authorities openly ignore their obligations. Firstly, the state monitors the political loyalty of business and puts pressure on disloyal business, up to its liquidation. Secondly, forcing business to violate human rights, using it in the set of tools for pressure on a person for its political purposes.

The main forms of the State's involvement in human rights violations by business enterprises during the political crisis of 2020-2021.

○ Adoption of legislation that formally legitimizes human rights violations

In the situation of active protests against falsification of presidential elections 2020 and follow-up violence and torture, the provisions of the legislation were tightened, aimed at increasing the dependence of the employee on the will of the employer, as well as, suppressing protest activity.

Tightening labor laws

On June 30, 2021, several [amendments to the Labor Code of the Republic of Belarus](#)⁷ entered into force, which, among other things, allow terminating employment contracts before their expiration, if the employee is absent from

⁷ <https://pravo.by/document/?guid=12551&p0=H12100114&p1=1&p5=0> ;

work due to serving administrative arrest. Previously, an employee could be fired only for absenteeism for no good reason. Administrative detention and arrest were recognized as valid reasons since they did not depend on the will of the employee.

According to these amendments, the termination of the contract is recognized as legal in the event of forcing employees to participate in a strike, calling on employees to terminate their work duties without good reason, participation of an employee in an illegal strike, as well as other forms of employee's refusal to perform work duties (in a whole or in part) without valid reasons. Nowadays, it can be done without notifying the trade unions and without their consent. In addition, you can lose your job for «leaking» information about the employer's illegal actions on the Internet.

If it is impossible to obtain an explanation of the disciplinary violation from the employee, this is not an obstacle to bringing him to the disciplinary action (including dismissal, remarks, reprimands, and loss of bonuses). Previously, this was a gross violation of labor laws by the employer.

The amendments introduced began to be actively used in practice as a tool of pressure on the protesters.

Changes in telecommunication legislation

In May 2021, amendments were made to the telecommunication legislation. Now to prevent «situations that pose a threat to the national security», the state can restrict the operation of telecommunication networks and their constituent means of telecommunication: reduce the time and volume of their use, change operating modes, and temporarily suspend their operation. The Operational and Analytical Center under the President of the Republic of Belarus is in charge of the public telecommunication network. Failure by telecommunication operators to comply with the requirements is a gross violation of the legislation on licensing activities in the field of communications⁸.

Such legislative innovations will primarily affect the Information and Communications Technology business (hereafter – ICT business) and its involvement (now formally legalized) in the violation of the right of people to access information. It should be mentioned, that in the post-election period (August-December 2020), the Internet was systematically disconnected in the country for a period from 3 days to several hours (the actions of cellular operators in these cases are analyzed below, in part 2 of this paper).

⁸ <https://president.gov.by/ru/events/podpisan-zakon-ob-elektrosvyazi>

In 2020, Belarus became one of the 2 countries in Europe that turned off the Internet due to the political crisis (the second is Azerbaijan)⁹.

- Instructions from the government agencies implying violations of the rights of employees, customers and the local community by business enterprises;

Requirement for private business to create cells of a pro-government trade union

The specificity of the situation in Belarus also lies in the fact that the FTUB is actually affiliated with the state and is not an effective instrument for protecting the rights of employees. Its primary structures are mandatorily created at every state's enterprise¹⁰.

In November 2020, A. Lukashenko said that if private enterprises do not create trade union organizations (FTUB cells) by the end of the year, they will be liquidated. At the same time, direct instruction was given to M. Orda, chairman of the FTUB¹¹.

The pressure on private businesses began from local authorities and the official trade union. As a result, some business enterprises agreed to formally create such a cell of the trade union so as not to have problems, some - refused without consequences. Since the entire system of government in the state is built on the lack of predictability and transparency, the role of the subjective factor is very high: who exactly heads the local government, what instructions he/she received, and whether he/she received it (or it is his/her «initiative»), etc.

«The local authorities called with persuasion about the creation of a cell of the trade union at the enterprise at the beginning of this year. They said that in our city only one of our enterprises was left without a trade union, «well..., you understand everything.» We replied that the information was brought to the employees, they do not want to

⁹ Report of the NGO «Access Now» on the shutdowns of the Internet in 2020, https://www.accessnow.org/cms/assets/uploads/2021/03/KeepItOn-report-on-the-2020-data_Mar-2021_3.pdf

¹⁰ There are «official» trade unions in the country, united in the Federation of Trade Unions of Belarus (FTUB), fully affiliated with the government and used as an instrument of political pressure. Independent trade unions are united in the Belarusian Congress of Democratic Trade Unions (hereafter - BCDTU), there are only 4 of them and their existence is significantly complicated by the discriminatory attitude of the authorities (both in relation to their individual representatives and in relation to the organizations themselves). Prior to the events analyzed, the international monitoring bodies of the ILO, as well as the UN Human Rights Committee and the UN Committee on Economic and Social Rights, specifically pointed out in their recommendations the problem of discrimination against trade unions. The latest ILO report on Belarus is analyzed in part 3 of this paper. For more information on the situation with trade unions in Belarus, see section 8.1.5 of the Guide «Belarus: Human Rights and Business»: <https://biz.belhelcom.org/>

¹¹ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

join any trade unions, - says the head of one of the private enterprises in the Gomel region. - As a result, the Ministry of Emergency Situations and the sanitary station came one after another with monitoring, wrote out different prescriptions, which had to be eliminated. The prescriptions themselves are disposable, but require attention, time and some means. As a result, it was decided to make a trade union, out of harm's way. Everyone left us alone at once.¹²»

The requirement to conduct preventive conversations with employees about their protest activity

In October 2020, private companies began to receive letters from the Ministry of Internal Affairs demanding that they conduct preventive talks with employees so that they do not participate in the protest actions. The letters referred to the Law «On the Basics of Crime Prevention Activities», although, under this Law, the legal entities are not subjects of crime prevention activities¹³.

Moreover, immediately after the August events and at the peak of the strike movement at business enterprises, the government agencies sent out specific instructions to enterprises on how to deal with worker's participation in such movements. For example, the Department of Internal Affairs demands for dismissal after serving an administrative arrest to the JSC «Osipovichiskiy Zavod Avtomobilnyh agregatov»¹⁴, a letter from the State Military-Industrial Committee to the management of the JSC «MZKT» demanding that employees be informed about the inadmissibility of participating in illegal strikes¹⁵, instructions from the security forces to the management of the JSC «Lidskaya obuvnaya factory» to dismiss persons, who are against the regime,¹⁶ etc.

The requirement to ensure the presence of people (employees) at the pro-government campaigning events

Separately, we could look at the requirement of business to provide human resources for the «picture» at the state events in the framework of campaigning for the current government. Such forms of using a person for their own purposes are not new for Belarus and are not connected only with the context of the political crisis. They are practiced constantly in relation to government-owned

¹² The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

¹³ Expert's commentary on the issue, see: <https://marketing.by/analitika/ne-poteryayte-doverie-chno-delat-biznesu-esli-emu-rekomenduyut-profilaktirovat-protestayushchikh-sot/>

¹⁴ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

¹⁵ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

¹⁶ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

business. In the pre-election and post-election periods, they were used as well (rallies in support of A. Lukashenko, cultural and sports events in support of the overall policy of the current government). As a rule, such requirements (for what event and how many people) go down to the management of enterprises through the local authorities.

The management of the JSC «Babushkina Krynka» forced its employees to support A. Lukashenko, explaining that the employees of the state enterprise should support the current government. On August 16 and 18, 2020, under pressure, workers were taken on buses to pro-government rallies in Minsk and Mogilev¹⁷.

The requirement to involve labor collectives in the electoral process

The Electoral Code of the Republic of Belarus maintained an anachronism of the Soviet era, in particular, about the use of labor collectives in organizing and holding elections. Art. 35 of the Electoral Code establishes the procedure for nominating representatives to territorial, district, and precinct commissions, it suggests that their representatives can be nominated (in addition to public organizations and political parties) by the labor collectives of organizations or the collectives of their structural subdivisions. Taking advantage of the existence of such a norm formally enshrined in the law, as well as the dependence of enterprises on the state, the authorities use this provision to influence the summing up of the voting results. Thus, business is involved in the violation of both the rights of workers (who are forced to perform functions unusual for them and, under threats of dismissal, falsify the results) and the rights of voters.

- Instructions to business enterprises that limit the freedom of expression of customers (guidance on the assortment of goods)

In the summer of 2020, local authorities demanded that the Brest private store «Kn-yaz Vitovt» remove from sale T-shirts with the image of a police car with the words «Welcome to Belarus». The entrepreneurs were called in for a conversation and tried to find out what they wanted to say with such T-shirts. It was noted that the sale of such T-shirts «undermines the authority and reputation of Belarus in the eyes of foreigners and other people.¹⁸»

¹⁷ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

¹⁸ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

As a result, the store was forced to close¹⁹. The same situation happened to the store of the goods with national symbols (white-red-white flag and the emblem «Pogonya») Symbal.by²⁰.

In January 2021, the district authorities sent out to stores an updated list of mandatory goods for sale, regardless of the size and type of the retail facility. Among this list is the official state symbols, which should be presented in a wide range. These goods were added to the existing list by the Decree of the Ministry of Antimonopoly Regulation of Trade in November 2020. At the same time, the stores were also sent lists of manufacturers of flags, T-shirts, badges and other souvenirs from the national symbolism²¹.

- Instructions to business enterprises aimed at inciting social hatred in the society (using the state media business as a means of propaganda)

The state media business of Belarus (TV, print and online publications) is completely dependent on choosing an information agenda and editorial policy. It is used by the authorities during elections and the post-election crisis as a propaganda tool and a tool to justify illegal actions of the state (below, in part 2, in the section «business-customer», you could find examples and the analysis of the involvement of the state media business in human rights abuses).

- Involvement of state's officials to conduct interviews with employees of business enterprises to suppress protest spirits

In particular, the then chairman of the KGB, Ivan Tertel, was invited to the JSC «Naftan». He held talks with the workers about the consequences similar to the Maidan in Ukraine, which could allegedly happen in Belarus. His visit was organized after 3,200 workers of Naftan signed a petition demanding A. Lukashenko to resign, the violence to be ceased and criminal proceedings were instituted against police violence²².

¹⁹ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

²⁰ <https://officelife.media/news/24449-magazin-symbal-by-okonchatelno-zakryvaetsya/>

²¹ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

²² The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

- The use of security forces to suppress protest spirits and strike movements at a business enterprise and to ensure the work process

At the JSC «Grodno Azot» persecution and repression were organized against employees who wanted to organize a strike. On October 26, 2020, some shift workers refused to go to work and stood near the entrance of the plant. In the shops there were people who did not hand over the night shift. Two paddy wagons, military vehicles for transporting people and minibuses with security forces arrived at the checkpoint. According to eyewitnesses, there were arrests. The police commented that a total of 32 people had been detained near the entrance of the JSC «Grodno Azot». They were taken to the Oktyabrskiy District Internal Affairs Department of the city and were released after the conversation²³.

²³ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

CHAPTER 2. THE MAIN FORMS OF HUMAN RIGHTS VIOLATIONS BY BUSINESS ENTERPRISES IN CONNECTION WITH THE 2020 PRESIDENTIAL ELECTIONS AND POST-ELECTION SITUATION IN BELARUS

The «sphere of influence» of business on human rights

Business interacts with a Person in the context of its commercial activities and, accordingly, can influence the implementation of human rights in three «dimensions»:

- as with an employee;
- as with a customer;
- as with people living in the place where the business operates (i.e. the local community).

The facts of human rights abuses analyzed in this part are also divided into three relevant groups. The review investigates both cases of **direct** (human rights are violated directly by the actions of business) and **indirect** human rights abuses (business contributes to the violation, facilitating in any way, giving the opportunity to violate human rights to a third party, the direct violator - another business or the state). All types of violations are illustrated by some specific cases.

New forms of vulnerabilities in «Business-Person» context as the consequences and challenges of the Belarusian crisis

It should be borne in mind that crises entail new challenges to which stakeholders (both the state and business enterprises) have to respond. These challenges include the emergence of new vulnerable groups (in addition to traditional ones: women, children, people with disabilities, people belonging to national, sexual minorities, migrants, refugees, etc.).

In the context of the 2020 presidential elections and the post-election situation, new categories of the vulnerable people have also appeared in the context of business and human rights: protesters, people expressing opposition views and ideas, including those with appropriate symbols, members of an independent trade

union/independent initiative group, people who have been subjected to administrative prosecution on charges of participating in protest actions, people who look in a specific way (red and white clothes, jewelry, symbols, etc.)²⁴.

2.1. EMPLOYER - EMPLOYEE

The analysis is based on a study of the facts of worker's rights abuses by business enterprises in **172 cases**. At the same time, the number of cases is not equal to the number of victims (depending on the situation, the number of victims in one case varies from 1 to 60 people).

Traditionally, violations of worker's rights mean, first of all, socio-economic rights (hereinafter - SEHR) (or even a narrower category - labor rights). At the same time, the Belarusian crisis has demonstrated the importance of the employer's respect of both civil and political rights of workers (hereinafter - CPHR), and the extent to which they are violated.

Human rights violated by business enterprises in relation to an employee during the period under review: *the right to equal treatment (prohibition of discrimination), freedom of association, the right to form trade unions, the right to strike, the right to work (including the right to fair remuneration, fair pay, decent conditions labor, reasonable limitation of working time as a part of it), the right to social security, the right to access information, freedom of expression, electoral rights (as part of the right to participate in the conduct of public affairs), the right to privacy, the right to liberty and security of person, freedom from torture, cruel, inhuman and degrading treatment, the right to health.*

Types of **direct violations** of these human rights by business enterprises²⁶:

- dismissal/refusal (including in the form of non-renewal of the contract) in hiring for civil or political activity;
- coercion to dismiss of their own free will/by agreement of the parties in connection with civil or political activity;
- compulsory vacations at their own expense forced transfer to a work schedule, which significantly worsens wages;

²⁴ The types of vulnerability are indicated precisely in the context of a person's relationship with the business. In general, there are more new forms of vulnerability associated with protests: for example, people of a certain type of activity: human rights defenders, independent political experts, representatives of other civil society organizations, journalists of independent media, volunteers of NGOs; people who look unusual (with dreadlocks, tattoos - were subjected to special cruelty during torture in the temporary detention center at Okrestino).

²⁵ The highlighted human rights and types of their violation are underlined on the basis of the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights of 1966 as the basic international documents which enshrine the universally recognized catalog of human rights. Moreover, above mentioned human rights are underlined on the basis of the official interpretation of the Covenants by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights.

²⁶ It is important to note that in most cases several types of violations took place in the same case: for example, coercion to refuse a strike and, then, dismissal from work, etc. We have highlighted separate types for better clarity of the situation.

- imposition of disciplinary sanctions;
- deprivation of the premium;
- deprivation of any preferences (including the prohibition to take time off and leave at their own expense for reasons not related to production needs);
- bullying;
- deprivation / limitation of social guarantees;
- pressure, humiliation, intimidation by / with the support of the management in order to obstruct freedom of association or free expression;
- prevent from the creation and / or operation of an independent trade union at the enterprise / organization;
- coercion to abandon the strike;
- preventive conversations with employees in connection with activities carried out outside of working hours;
- forced involvement of employees in activities not related to the work process (attending sports and cultural events, etc.);
- coercion / stimulation to early voting;
- coercion to vote for a certain candidate;
- coercion to participate in campaigning for a certain candidate;
- unequal provision of opportunities for campaigning for different candidates in the territory of the business;

In more than half of the cases (over 60%), there was a discriminatory dismissal for civil or political activity. These 60% + include the so-called «dismissals of their own free will or by agreement of the parties,» since in all the cases we studied, this happened after appropriate conversations with the management (sometimes they used threats as well). Such dismissals are the most latent form of repression, since, firstly, from a formal point of view, there is a person's statement with a request to dismiss at his own request/by agreement of the parties, which cannot be challenged in the court or within the framework of any other existing mechanisms. Secondly, not all people are ready to disclose the details and true reasons for such dismissals, which outwardly look legitimate. That is why in almost half of the cases, the management of the enterprise/company tried to implement this option firstly. The percentage of such dismissals «of their own free will» is about half of the total number of dismissals (more than 50%).

Moreover, all cases of discriminatory dismissals can be conditionally divided into 3 groups:

- A.** the most common were dismissals in connection with protest and civil activity outside the workplace and outside working hours (for observing elections and fixing violations, for letters sent to political prisoners in a pre-trial detention center, for participating in protest marches, expressing one's civil position in personal social networks, interviews with opposition TV channels, etc.);
- B.** in connection with trade union activity at the place of work;
- C.** in connection with the strike movement at the place of work.

The woman was an independent observer at the precinct election commission No. 47 of the Pervomaisky district of Vitebsk, where she recorded many violations of the procedure. As a result of pressure from the director of the RUP «Belorusneft-Vitebskoblnefteprodukt», Alexander Kapshulya, on the respondent's management, she was dismissed from the PU «Svyazinformservice» RUP «Belorusneft» on 08/12/2020.²⁷

Andrey Sharapov worked as an assistant manager at the LLC «Databox Archivnye Sistemy». While he was at work, Andrei wrote and sent a letter to the pre-trial detention center №1 to his old school friend, political prisoner Levon Khalatryan, who was a volunteer at the headquarters of Viktor Babariko. Andrey put the letter in a corporate envelope, although he wrote on his own behalf. After that, Andrei was immediately fired, regardless of 7 years of experience, while recalling him from vacation.²⁸

Maxim Tkhorev worked as a third-class caster at the JSC «MMZ named after S.I. Vavilov», - the management company of the BelOMO holding». Since the beginning of the elections, he has actively shown his civil position. On August 9, 2020, at about 23:00, he was arrested in the center of Nemiga near the cinema, severely beaten, taken to Okrestsino.. On August 10, he was transferred from Okrestsino to a hospital. On August 12, Maxim went to work, where the boss told him that he had seen the lists of detainees and that Maxim was about to be fired. Fired on August 26, 2020 for absence from work.²⁹

²⁷ According to the message received by human rights defenders of the BHC.

²⁸ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

²⁹ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

In cases where it did not come to dismissal, or vice versa, in order to force the employee to leave «of his own free will», the management of enterprises/companies used such types of pressure as imposing disciplinary sanctions, deprivation of any preferences, etc. Such forms were used in about 15% of the cases that had been studied. The pressure was used mainly for the activity of organizing strikes and the activity of independent trade unions, for the open expression of civil position, for the participation in solidarity actions outside of working hours. It is important to note that persecution and pressure in such forms were carried out not only in connection with the activities of independent trade unions but also because of the refusal to participate in the pro-government trade union.

Some employees of the RUP «Belenergoproekt», who took part in solidarity actions at lunchtime on August 17-18, 2020, were punished for non-compliance of the internal labor regulations. Others were reprimanded, some were stripped of their bonuses, including for a whole year. For non-compliance with the internal labor regulations, various sanctions were applied to the employees: from deprivation of 20% of the premium for September to deprivation of 100% of incentive payments for 12 months. Employees of the enterprise commented that for the same misconduct they were punished in different ways, the «younger ones» suffered more³⁰.

The management of the JSC «Naftan» announced a disciplinary penalty to Olga Britikova and Aleksandr Sokolov (another member of the initiative group for collecting signatures of the plant's workers under an open appeal to the people of Belarus) in the form of a reprimand and deprivation of bonuses. A reprimand was imposed for the absence from work on August 20: that day they counted the signatures of the plant's employees. The procedure for counting signatures was agreed upon at the meeting of the trade union committee (at that time they were members of the «Belkhimprofsoyuz»). The time for the counting of votes and the composition of the counting commission was appointed from 9 am on August 20. Deputy General Director of the JSC «Naftan» for ideological work, personnel and social development, Sergei Yevtushik promised Olga and Alexander to sign letters of leave that allow them to be absent from the workplace. However, in the end, the management did not sign the letters.³¹

Aleksandr Lavrinovich, an engineer at the JSC «MZKT», served 10 days (as he was summoned to the police by his own enterprise's management for collecting signatures for the strike) and was released. After that, he found that his pass to the workplace was blocked. Alexander's manager saw him and took him from the checkpoint to another boss, to the second one, they had conversations with him and said that from the next day he could start work. The head of the personnel department asked to write seven

³⁰ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

³¹ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

explanatory notes on various points: why did he violate the internal instructions not on his shift, why he was engaged in agitation, knowing that agitation was prohibited at the plant, why he took people away from work, whether he used the equipment of the enterprise to print flyers, and so on. For four of these explanatory notes, Alexander was reprimanded and deprived of the bonus payments for a month. This, he said, is about half of the salary. Alexander applied to the labor dispute commission. It took place on September 22, 2020, there were five people from the employer and five from the official union. They made a unanimous decision that the punishment was fair. He wanted to invite a lawyer from the Free Metalworker's Union, but he was told that an outsider would not be allowed into the plant³².

Pavel Gudovich worked as a leading engineer at the Bus Depot №1 branch of the JSC «Gomeloblavtotrans». Before and after the elections, among his colleagues, he repeatedly spoke directly about the situation in the country, expressed disagreement with the election results, condemned the detention of V. Babariko, S. Tikhanovsky, N. Statkevich, P. Severinets, other political prisoners, later - members of the Coordination Council, condemned violence, torture and bullying by the police. He reacted negatively to proposals to participate in pro-government rallies and various ideological events in Gomel and Minsk. As a result, from September 2020, Pavel began to feel a negative attitude from the management of the enterprise. It started with a biased attitude, then it began to affect his wages: fewer bonuses were awarded than other colleagues who were silent. In November 2020, they decided to transfer him to a lower-paid position. He wrote a refusal. The management did not have a formal reason to fire Pavel, so it took the path of pressure and creation of unbearable working conditions. As a result, Pavel was forced to resign by agreement of the parties.³³

Obstacles to the activities of independent trade unions are one of the basic problems of worker's rights abuses in Belarus precisely because the creation of any independent power associations poses a threat from the point of view of the authorities. Taking into account the potential strength and the role of the trade union movement in the events such as those that took place in Belarus in 2020, persecution of independent trade unions and strike committees as organizers of strikes has intensified in the post-election period.

The pressure was exerted in various forms: the dissemination of information about the illegality of strikes by the management of the enterprise (sometimes with the involvement of representatives of state bodies), which was also accompanied by an indication of the disciplinary measures for an «illegal» strike and criminal

³² The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

³³ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

liability for calls for the seizure of the state power; spreading information on the consequences of an «illegal» strike against signature; informal conversations with employees about the inadmissibility of strike movements; threats of dismissal and / or deprivation of certain guarantees in case of leaving the official trade union, persecution of leaders and members of strike committees; manipulation of public opinion. The extreme form of pressure is the involvement of security forces to the enterprise to enforce the work process.

On August 19, 2020, workers of the JSC «Naftan» began to receive reminders from the management about the consequences of any participation in an «illegal» strike. The management reminded that during the strike, the salary would not be saved, and the participants in the strike, recognized by the court as illegal, might be brought to disciplinary responsibility and other forms of liability. They could be dismissed for absence from work. The management reminded that worker's «public calls for the seizure of state power or the commission of other actions aimed at causing harm to the national security of the Republic of Belarus or the dissemination of materials containing such calls are punished in accordance with the law by arrest or imprisonment for up to three years. The same actions committed via the Internet are punished by imprisonment for the term of two to five years.»³⁴

The workers of the JSC «Grodno Azot», who were ready to go on a strike starting August 19, 2020, were put under pressure through some publications in the corporate newspaper «Grodnenskiy Himik». There were a number of appeals from colleagues from Belarus and Berdyansk (Ukraine), residents of the Gomel region and some collectives of the enterprises of the Belarusian State Oil Concern and chemistry, who called the workers not to participate in the strike. According to Y. Rovovoy, the chairman of the strike committee of the JSC «Grodno Azot» (he was forced to leave Belarus due to the persecution), the administration of the enterprise also began to put pressure on the workers.³⁵

Valentina Charpoka worked for 4 years at the JSC «Integral» as a measurer of electrophysical parameters of electronic products. She was detained at night on August 9-10, 2020, and after all, she was fined up to 25 base rates. At work, Valentina and her colleagues set up an initiative group to make demands to the management of the enterprise. The next day, after the official meeting with the trade union was held and

³⁴ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

³⁵ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

the demands of the collective were made, the pressure from the management followed, including the threats of dismissal. No one was fired, however, the workers were forced to write the letters «by agreement of the parties», however without specifying the date of dismissal. To suppress strikes and initiatives, the head of the trade union decided to «recruit as his assistants» Valentina and her colleague, but if they are silent about such «recruitment». After thinking everything over, the colleague decided to quit. At that time, the workers of the enterprise and Valentina continued to collect signatures, to make attempts to create a strike committee (they went to a meeting with representatives of other factories and the headquarters), to urge other workers to leave the pro-government trade union, however all the initiative guys were identified by the management and were tried to fire them. Valentina was offered: either she would withdraw her application to quit the trade union, or she would be fired. Valentina refused. She was dismissed by agreement of the parties on September 21, 2020, she was ordered to move out of the dormitory³⁶.

Between August and October 2020, more than 40 leaders and active members of the strike committees were fired from the «Belaruskaliy» or deprived of awards for expressing civil position. In November, Belaruskaliy officially announced that 49 workers were fired for participating in the «illegal» strike. 45 workers of «Belaruskaliy», who participated in the strike, were detained for 10-15 days for a tour and a group photo with a white-red-white(BCHB) flag. As of November 29, 2020, according to the strike committee, 55 workers had been fired.³⁷

Nowadays, in Belarus, the Soviet times approach of using a person's place of work as an additional instrument of influence to «correct» his or her socio-political position is still widely used. This goes along with the impossibility of normal functioning of independent trade unions and active involvement in the process of «re-education» of the pro-government trade union. This is mainly practiced in state-owned enterprises or otherwise in state-affiliated enterprises. Therefore, in most cases, along with the abuse of worker's labor rights in the cases studied, there is interference with freedom of expression and interference with the right to privacy.

Business enterprise's pressure to discourage freedom of expression of workers occurred:

- in the context of a violation of labor rights (in connection with the strike movement);

³⁶ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

³⁷ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

- in the context of civil and / or protest activities of the employee, carried out by him / her in his / her personal time and in no way connected with the work process (election observation, participation in street solidarity rallies, other civil activism);
- in the context of a violation of the electoral rights of an employee (collection of signatures for the nomination of candidates, voting).

The employer demands from workers: «While working for a state-owned enterprise, you cannot oppose the state and vote for alternative candidates.»

FLLC «Eco-Energo» is a contractor in the construction of state facilities. The company urged its employees not to express their civil position on social networks, as such behavior is potentially harmful for cooperation with government facilities³⁸.

Maria Rudovich worked as a technician-technologist of binders materials at the JSC «Keramin». She had worked there for 31 years, starting in 1989. Before and after the presidential elections in 2020, Maria showed an active civil position. On October 26, on her day off, she went to the entrance of the plant with a poster. On October 27, the management held a conversation with Maria about her civil position, after which on October 30 she was asked to resign by agreement of the parties. Earlier, on September 19, the contract was signed with Maria for 3 years, and in August she was awarded an honorary diploma from the Ministry of Construction. If she did not agree to quit by agreement of the parties, she would be dismissed under the article (according to the management's threat), she agreed to quit on her own.³⁹

Ivan Bogomolov had worked for 10 years as a leading accountant at the state-owned enterprise «Agrokombinat «Dzerzhinskiy». He had never had any penalties or punishments, he repeatedly had received prizes, certificates. There was a conflict with the employer. It started after he refused to vote early and moreover, to vote for the indicated candidate, then he made his statements of civil position, he had participated in peaceful rallies. Firstly, they tried to send Ivan to another branch with a transfer and a business trip, and then they blocked his pass and rudely offered to leave. He was fired by agreement of the parties.⁴⁰

³⁸ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

³⁹ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

⁴⁰ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

At the end of May 2020, during the period of collecting signatures for the nomination of presidential candidates, the management of the JSC «Belaryskaya Universalnaya Tovarnaya Birzha» held a meeting, where they put pressure on workers and demanded to sign for A. Lukashenko.⁴¹

At the enterprise RUP «Belorusneft-Vitebskoblnefteprodukt» campaigning was carried out for the particular candidate: the assembly hall was provided during working hours for campaigning by A. Lukashenko's confidant V. Nikolaykin.⁴²

The director of the JSC «Gomelsteklo» threatened to fire one of the accountants for voting for S. Tikhanovskaya.⁴³

Additionally, the management of the enterprises used security forces to intimidate and physically restrict certain actions, the management also reported the data of activists and the facts of their activities at the workplace to the police, after which the activists were detained (either right near the enterprise or at their place of residence) and subjected to arbitrary administrative arrests, ill-treatment and disproportionate fines. As a result, some of them were forced to leave the country. Thus, the business directly participated in the abuse of worker's rights, *inter alia*, of such rights as: the right to liberty and security of person, and, **indirectly**, the right to freedom from torture, cruel, inhuman and degrading treatment, the right to health. This indirect abuse benefited to the violation of human rights by law enforcement agencies, i.e. the state.

The management of JSC «Grodno Azot» organized harassment and repression against employees who wanted to go on a strike. On October 26, 2020, some shift workers refused to go to work and stayed near the factory entrance. In the shops, there were people who did not hand over the night shift. Two paddy wagons, military vehicles for transporting people and minibusses with security forces arrived at the checkpoint. According to eyewitnesses, there were arrests. The police commented that in total there were 32 people who had been arrested near the entrance of the «Grodno Azot». They were taken to the Oktyabrskiy District Internal Affairs Department of the city and after the conversation were released.⁴⁴

⁴¹ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

⁴² According to the message received by human rights defenders of the BHC.

⁴³ According to the message received by human rights defenders of the BHC.

⁴⁴ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

On August 24, 2020, Alexander Lavrinovich, one of the leaders of the strike committee of the JSC «MZKT», decided to continue to collect signatures for the strike on his own, after the police had not allowed the strike committee of the «MZKT» to do it the day before. To do it, he specially came to the plant for the first shift, although he himself worked in the second one. Seven people managed to put their signatures, after that the deputy general director came out and called the guards to Alexander, then the police came. In the police department, Alexander was «accused» of participating in the rally on Sunday, although he had not been there, moreover he had different color of clothes, which the judge did not take attention to. Also he was accused of allegedly organizing an unsanctioned rally at his workplace, although he was just collecting signatures alone. The punishment was under two articles, he was given 10 days in total.⁴⁵

Andrey Komlik-Yamatin had worked for 14 years at the JSC «Minskiy Motorny Zavod». After Andrei wrote a letter of resignation to the strike and was fired, he was immediately detained at the entrance of the plant and sentenced to 15 days for holding a single picket.⁴⁶

2.2. BUSINESS - CONSUMER

The analysis is based on the study of 20 cases. It is important to note that in this group of violations, despite the significantly smaller number of cases studied, the number of victims is significantly higher in comparison with the group of «employer - employee». This is the case due to the fact that some violations against customers affect not one or several, but all customers of the company (for example, in the case of mobile operators).

Human rights that were directly or indirectly violated by business enterprises in relation to a customer in connection with peaceful protests: *the right to equal treatment (prohibition of discrimination), the right to access information, freedom of expression, the right to liberty and security of person, freedom from torture, cruel, inhuman and degrading treatment, the right to health.*

Direct violation of customer's human rights by business enterprises:

- refusal to provide services or incomplete provision of services due to the civil position of the customer (discrimination that accompanied mainly violations of freedom of expression, the right to access information, the right to liberty and security of person).

⁴⁵ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

⁴⁶ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

On September 21, 2020, LLC «Lerpa» refused to print materials related to the protests in the country, which did not contain any calls for violence or violation of the current legislation of the Republic of Belarus.⁴⁷

The management of the karaoke bar LLC «CHAMPI Grodno» issued an order on 20.08.2020, where it was proclaimed to temporarily suspend the performance of the songs with hidden political overtones, including Viktor Tsoi's song «Peremen», to prohibit guests from shouting political slogans and calling the police if all guests start shouting such political slogans.⁴⁸

On August 29, 2020, a women's march was held in Minsk. When the column moved towards and along Bangalore Square, some of the participants in the march asked to go to the McDonald's building on the street Surganova, 63 (Unitary Enterprise «KSB Victory Restaurants»), someone was hungry, someone wanted to go to the toilet. According to the testimonies of the eyewitnesses, the employees defiantly slammed the door with the words «we are not going to serve you» and posted a notice on the inside about technical problems. Regardless of their motives, the girls were forced to move on. As a result of the described actions of the employees, the customers who were locked inside the building found themselves in a difficult position.⁴⁹

- refusal of state-owned business, which are monopolists in the distribution of periodicals and the provision of postal services (as well as some private retail chains) to distribute printed materials of non-state publications that cover events in the country differently (opposing official approach) from the version of the state, and print information about opposition politicians.

Thus, both the business partners themselves and the readers of these publications were discriminated. The readers could not access the publications in the usual way and, accordingly, receive the information contained there.

⁴⁷ According to the message received by human rights defenders of the BHC.

⁴⁸ [https://www.facebook.com/belavus/posts/10222191808438033?__cft__\[0\]=AZXgzbeFHEnDFWfpAID7S-x5nS2GcbYx7ghpWXlOWtuAaUwaXZ7sZKX6eFTJibHpe8r8Blw9nguBEQQPT66mYHbz4OKK6NaIZoxgr4rp9MBNU-r1TQ0tlvY4fT6JOGegLFQ&__tn__=%2CO%2CP-R](https://www.facebook.com/belavus/posts/10222191808438033?__cft__[0]=AZXgzbeFHEnDFWfpAID7S-x5nS2GcbYx7ghpWXlOWtuAaUwaXZ7sZKX6eFTJibHpe8r8Blw9nguBEQQPT66mYHbz4OKK6NaIZoxgr4rp9MBNU-r1TQ0tlvY4fT6JOGegLFQ&__tn__=%2CO%2CP-R)

⁴⁹ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities; <https://myfin.by/stati/view/predatelskuu-poziciu-zapomnat-pocemu-biznes-ne-smozet-dalse-molcat>

On May 4, the editorial board of the Baranovichi independent newspaper «Intex-press» received a letter from the director of the Brest branch of the «Belsoyuzpechat»⁵⁰. It was said that from May 5, 2021, the company «refuses to fulfill its contractual obligations unilaterally.» Prior to that, on April 14, 2021, the newspaper published the issue with S. Tikhanovskaya on the cover.⁵¹

On April 28, 2021, RUP «BELPOCHTA»⁵² excluded the Intex-press newspaper from subscription due to the fact that the newspaper actively broadcasted what was actually happening in Belarus, without propaganda. Another reason was the release of the issue with S. Tikhanovskaya on the cover. Following that, such private retail chains as «Belmarket», «Martin», «Dobronom» also refused to sell this newspaper.⁵³

From the second half of August 2020 the state-owned printing house «Belorusskiy Don Pechati» has ended cooperation with the newspapers «Komsomolskaya Pravda» in Belarus», «Narodnaya Volya», «BelGazeta» and «Svobodnye Novosti Plus» due to their unbiased news coverage after the 2020 presidential elections⁵⁴.

- denial of services / deprivation of the opportunity to use the service at the request of government agencies.

In particular, we are talking about the actions of all three Belarusian mobile operators (A1, MTS, and Life) to restrict customer's access to the Internet⁵⁵. This disconnection was not discriminatory, as it affected all customers. At the same time, of key importance in these cases is the fact that the shutdown took place by order of state bodies with the obvious purpose of depriving people of the opportunity to receive information about the progress of peaceful street protests and to coordinate their non-violent protest actions.

It should be recalled that the right to access the Internet was recognized by the UN Human Rights Committee back in 2011 as a part of the right to freedom of expression (including the right to access information), therefore, such a restriction of access is qualified as a violation of human rights⁵⁶.

⁵¹ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

⁵² State postal service monopoly.

⁵³ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

⁵⁴ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

⁵⁵ In the first 3 days after the elections (August 9-12, 2020) - a total shutdown, and then for several months - shutdown on certain days (mainly weekends - the time of mass peaceful protests). The report on the 2020 shutdowns, which mentions the case of Belarus, NGO «Access Now», https://www.accessnow.org/cms/assets/uploads/2021/03/KeptOn-report-on-the-2020-data_Mar-2021_3.pdf

⁵⁶ https://www.2ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf

None of the operators took public measures to protect the interests of their clients, probably realizing the reality of the threat of losing their business. However, it is important to note that companies have behaved in this context with varying degrees of bona fides and due diligence.

A1: a. honestly indicated the reason: «*in accordance with the order of the authorized state bodies*»; b. compensated for the cost of days without the Internet (by adjusting the subscription fee on post-election days and providing additional free services on other days).⁵⁷

Life: concerning the disconnection of the Internet in the period from August 9 to 12, 2020, the company indicated on its website that it happened «*for reasons beyond our control*» and noted that it shared with the clients what was happening and offered partial compensation⁵⁸. Regarding other cases of disconnection, the company indicated that it happened «*as part of the activities of authorized state bodies*» and offered a number of bonuses to choose from⁵⁹.

MTC: chose a slightly different course of action and used a different wording: MTS turns off the mobile Internet «*as part of the activities carried out by authorized state bodies to ensure national security.*» In response to one of the client's requests for compensation for disconnecting access to the Internet after the presidential elections in 2020, MTS replied: «We inform you that a temporary decrease in the quality of communication services provided by MTS at about 15:00 on August 30, 2020, up to their suspension, is due to the activities carried out by authorized state bodies on the MTS network through a system of technical means to ensure operational-search activities. These actions are provided for in clause 9.2.5 of the Procedure for the provision of cellular mobile telecommunication services. There are no grounds for recalculating the subscription fee». ⁶⁰

⁵⁷ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities. <https://www.a1.by/ru/company/news/o-poryadke-kompensatsii-abonentam-a1-fizicheskim-litsam-iz-za-nedostupnosti-internet-servisov/p/o-poryadke-kompensatsii-abonentam-a1-fizicheskim-litsam>; <https://www.a1.by/ru/company/news/o-poryadke-kompensatsii-abonentam-a1-yuridicheskim-litsam-iz-za-nedostupnosti-internet-servisov/p/o-poryadke-kompensatsii-abonentam-a1-yuridicheskim-litsam>; <https://www.a1.by/ru/company/news/o-poryadke-kompensatsii-abonentam-a1-v-svyazi-s-ogranicheniyami-raboty-mobilnogo-interneta-v-minske-v-avguste-2020-g/p/kompensatsiya-abonentam-a1-avgust>; <https://www.a1.by/ru/company/news/o-poryadke-kompensatsii-abonentam-a1-v-svyazi-s-ogranicheniyami-raboty-mobilnogo-interneta/p/o-poryadke-kompensatsii-abonentam-a1-sentyabr>; <https://www.a1.by/ru/company/news/o-poryadke-kompensatsii-abonentam-a1-oktyabr>; <https://www.a1.by/ru/company/news/o-poryadke-kompensatsii-abonentam-a1-oktyabr>; <https://www.a1.by/ru/company/news/o-poryadke-kompensatsii-abonentam-a1-v-noyabre/p/o-poryadke-kompensatsii-abonentam-a1-noyabr>

⁵⁸ <https://life.com.by/company/news/compensation>

⁵⁹ <https://life.com.by/company/news/lifebonus-december>; <https://life.com.by/company/news/lifebonus-november>; <https://life.com.by/company/news/lifebonus-october>

⁶⁰ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities; <https://www.mts.by/news/42667/>

It is important to understand that the meaning of due diligence behavior of business enterprises in this case (when it is impossible to avoid a violation) is that, firstly, it is necessary to honestly voice the reason for the violation of rights, thereby providing the client with the opportunity to appeal the violation of his or her rights, and secondly, compensate the person for the damage as much as possible, **realizing that you had violated his rights (albeit under duress)**, and not find formal excuses in order to avoid further legal claims from the person.

2.3. BUSINESS - LOCAL COMMUNITY

The analysis is based on the study of **15 cases**. It is important to note that in this group of violations the number of victims is even greater than in the groups «employer-employee» and «business-customer»: this is almost always an unlimited circle of persons.

In addition to influencing the realization of the rights of employees and customers, the commercial activities of business can negatively affect the rights of people who do not belong to either one or the other group, but who live in the place where the business operates (district, city, country). In the context of the political crisis of 2020-2021 in Belarus, business enterprises violated the following human rights against the whole community: *the right to equal treatment (discrimination, including hate speech, inciting social hatred), electoral rights, the right to liberty, and security of person, freedom from torture, cruel, inhuman and degrading treatment, the right to health.*

The main types of **direct** abuses of human rights by business in relation to the whole community:

- use of hate speech and inciting of social hatred against supporters of the opposition and its representatives;

These are violations that were primarily committed in the media business by state-owned media.

The «BT» TV channel broadcasts the author's program «The Order of Judas», hosted by Grigoriy Azarenok. Each broadcast is dedicated to a specific public figure (athletes, TV hosts, cultural figures, etc.) who publicly declared his disagreement with the actions of the authorities after August 2020. The broadcast is carried out against the background of the image of the person under discussion, next to which there is a large noose for hanging. At the same time, the author of the program not only criticizes these people but uses pronounced hate speech and direct insults towards a person (for example, «disgust»⁶¹, «aphid»⁶², etc.).

⁶¹ With regard to Alexandra Gerasimenya, a floating woman who now heads the opposition Sports Solidarity Fund (broadcast from 28/01/2020 <https://www.youtube.com/watch?v=e6oSYWJn4z0>)

⁶² Regarding Margarita Levchuk, an opera singer who was forced to leave the country due to persecution for openly expressing her position (broadcast from 24.02.2021 <https://www.youtube.com/watch?v=5Oo0GXQhMNQ>)

*On the broadcast dedicated to the TUT.BY Media (the largest independent Internet news portal, which was destroyed by the authorities in May 2021, 15 of its employees are currently in prison), a photo of the TUT.BY team was placed next to a photo of Joseph Goebbels (Hitler's propaganda minister) with his family. At the same time, in relation to the portal and its command, such expressions were used as, for example, «you, Urca, only need blood»⁶³, etc. Another author's program of Grigory Azarenka is on another state channel, **CTV**, with the same content and language - «Secret Springs of Politics 2.0».⁶⁴*

*Periodical «**SB. Belarus Today**» regularly posts materials by the author Andrei Mukovozchik, which also contain hate speech and are aimed at inciting social hatred. For instance, in relation to protesters and protests, the following phrases are used: «Are you ready for the fact that in your family, in your house, in your environment, someone will be missed? Get ready ... They may even kill, and most likely, they will definitely kill ... And, most likely, they will kill their own», «Start digging a grave for yourself.» About what to do with the protesters, it says as follows: «Dissect, burn, isolate and thoughtfully heal - and all for a short time»⁶⁵, «You are fewer and fewer - but we have not copied all of you ... So get together, show yourself, lean out! Let me add everyone to the database». «They are temporary workers here. Parasites»⁶⁶. A. Mukovozchik also compared the desire to protest with mental illness⁶⁷.*

*In September 2020, the periodical «**Minskaya Pravda**» published another issue of the newspaper with a caricature of Catholic priests: the picture showed 4 priests, the last of whom was holding a white-red-white flag, and he had a cross in the form of a fascist swastika around his neck. This is a reaction to the fact that the Catholic Church in Belarus condemned the violence against peaceful demonstrators after the 2020 elections and recognized the historical national symbols of Belarus (the white-red-white flag and the coat of arms «Pogonyia»), which the government supporters manipulatively classify as fascist. The caricature provoked a sharply negative reaction from the Catholic Church of Belarus. This was seen as inciting hatred in Belarusian society towards the Roman Catholic Church in Belarus⁶⁸.*

- purposeful termination of access of people fleeing arbitrary persecution and violence to the premises of working establishments;

⁶³ Broadcast from 20/05/2021 <https://www.youtube.com/watch?v=Qv5hEdllyuk>

⁶⁴ <http://www.ctv.by/azaryonok-taynye-pruzhiny-politiki-20>

⁶⁵ <https://www.sb.by/articles/zhenskaya-revolutsiya-ili-babiy-bunt.html>

⁶⁶ <https://www.sb.by/articles/khronika-padayushchego-nedobombardirovshchika.html>

⁶⁷ <https://www.sb.by/articles/protestunstvo-simptom-bolezni.html>

⁶⁸ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

In August-November 2020, during peaceful protest actions, people, who were present in the places where they were held, often had to run away from the security forces, since the consequences of detentions were obvious: unlawful treatment, beatings, inhuman conditions of detention in a temporary detention center⁶⁹. Especially after the facts of torture in the detention center on Okrestsina Street on August 9-12, 2020 became widely known⁷⁰. When the security forces appeared, people often tried to hide in shopping centers, restaurants, cafes that were nearby. A number of such establishments defiantly closed their doors in front of them. At the same time, other establishments continued to freely serve customers and did not restrict access.

It is important to note that this is precisely **the purposeful termination of people's access to the retail premises of working establishments**. Often, people who were not allowed to enter the establishment were immediately detained and beaten by the security forces.

*On August 26, 2020, in the evening in Minsk, a peaceful rally was held near the Red Church on the Independence Square. On that day, some of the people were blocked in the very church by SWAT. Two girls ran away from the SWAT team along the avenue towards Nemiga and decided to hide in the Minsk hotel (state enterprise «Hotel «Minsk»), ran to the main entrance and saw that 3 more people asked to open the door and go in, to which the hotel security closed a key door in front of them.⁷¹
(Note: the hotel is open 24 hours a day) .*

- participation in electoral procedures by organizing campaign sites for individual candidates, sending their employees to election commissions as observers to ensure the «necessary» results.

Violations of the principle of fair elections, which subsequently make it possible to ensure falsification of the results, traditionally for Belarus, occur even during the formation of election commissions and the appointment of observers⁷². As already mentioned in Part 1 of this analytical paper, the archaic Soviet norm on the participation of labor collectives in an unusual function - in the electoral process - is used for this reason. Using the dependent position of managers and employees, especially in state-owned companies, the authorities are able to influence the summing up of the election results by election commissions.

⁶⁹ <https://www.dw.com/ru/chto-tvoritsja-v-belorusskih-sizo-rasskazy-zaderzhannyh/a-54572344>; The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities. <https://okrestina.info/>

⁷⁰ According to the message received by human rights defenders of the BHC.

⁷¹ Preliminary analytical report on the results of observation of the presidential elections in the Republic of Belarus

⁷² 2020: <https://belhelcom.org/ru/document/predvaritelnyy-analiticheskiy-otchet-po-rezultatam-nablyudeniya-zavyborami-prezidenta>

Thus, business enterprises participate in violations of electoral and labor human rights and assist the state in such violations. Such activities create negative consequences for the community.

Commission № 16 at the polling station in school № 42 in Gomel consisted of half of the employees of the glass factory JSC «Gomelsteklo» and another half - of the school teachers. The husband of the school director (and at the same time the chairman of the election commission) worked at the glass factory of JSC «Gomelsteklo», so he gathered all his subordinates. All independent observers and media were removed from the counting process.⁷³

Commission № 47 of the Pervomaiskiy district of Vitebsk consisted entirely of employees of the RUP «Belorusneft-Vitebskobnefteprodukt», headed by the deputy director Goncharov Andrey.⁷⁴

Indirect violation of human rights by business enterprises against the community:

Companies are indirectly involved in human rights violations by contributing through encouragement and / or support in any way by its actions to the misconduct of a third party (in our case, the state).

ONT TV channel broadcasted an interview conducted by an employee of the TV channel Marat Markov with the detained Roman Protasevich⁷⁵, who forcibly ended up on the territory of the Republic of Belarus (in connection with the forced landing of RyanAir boarding from Athens to Vilnius over the territory of Belarus). Roman Protasevich with a high degree of probability was subjected to physical and psychological pressure to obtain a confessional statement (this is evidenced by his appearance during the operational shooting with his «confessional» statements, part of which was also shown on state channels)⁷⁶. State channels also broadcasted footage with «confessional» testimony of Sophia Sapieha, who was detained together with Roman Protasevich⁷⁷.

In this case, the media business supports unlawful acts of the state, in fact, encouraging arbitrary detentions, ill-treatment of detainees, including coercion to testify.

⁷³ According to the message received by human rights defenders of the BHC.

⁷⁴ According to the message received by human rights defenders of the BHC.

⁷⁵ <https://www.youtube.com/watch?v=I5fMj34fLGk>; <https://www.bbc.com/russian/features-57353483>

⁷⁶ <https://www.youtube.com/watch?v=xqivHLLZlYo>; <https://www.youtube.com/watch?v=LulmNQzPllw>

⁷⁷ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

In this case, the media business supports unlawful acts of the state, in fact, encouraging arbitrary detentions, ill-treatment of detainees, including coercion to testify.

The Kipod platform was developed by the LLC «Synesis». It is a component of the republican system for monitoring public safety in the Republic of Belarus. With the help of specialized software, you can find the person of interest by simply uploading a photo, and instantly get results that determine where and when that person was noticed. It is not known whether this technology was used after the presidential elections in 2020, but after the elections, the citizens of Belarus began to receive SMS stating that the recipient was «identified as violating the order of holding mass events» and that «his actions were recorded by means of photographs and video recordings». On the basis of these data, people were brought to various types of responsibility.

In its defense, the company explained that its cameras are installed only in the Minsk metro and at railway stations and can only recognize specific faces from the existing database, and not from pictures downloaded from the protests, as users of social networks suggested.⁷⁸ At the same time, this argument is unconvincing, since all detainees are photographed in the police department. Accordingly, it is not difficult to upload these photos to the system and further track the location of a person, if necessary. On December 17, 2020, the 3rd package of EU sanctions was approved, which included the company «Synesis»⁷⁹. The company said it would appeal the decision. On December 24, the management of the company announced the renaming of subsidiary companies. On March 16, 2021, the «Synesis» filed a lawsuit with the European Court of Justice to invalidate the decision of the Council of the European Union to include the company in the third package of sanctions against Belarus.

In the line of loans of the JSC «Belinvestbank» there is a loan called «Professional», with a rate of 17.90% per annum⁸⁰. There is the image of a woman doctor on the tab with the name of the loan. If you go to the tab to the terms of provision, it turns out that the loan is offered exclusively to the representatives of law enforcement agencies (the Ministry of Internal Affairs of the Republic of Belarus, the Ministry of Emergency Situations of the Republic of Belarus, the Ministry of Defense of the Republic of Belarus, the State Security Committee of the Republic of Belarus, the State Border Committee of the Republic of Belarus, the Investigative Committee of the Republic of Belarus, the

⁷⁸ Detailed argumentation of the company (there is also a link to the company's claim to the EU Court): <https://synesis-group.com/ru/blog/why-tech-company-could-get-into-eu-sanction-list-or-how-fakenews-in-business-affects-political-decisions/>

⁷⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2020:4261:FULL&from=EN;%20https://news.tut.by/society/722604.html>

⁸⁰ <https://www.belinvestbank.by/individual/credits>

Department of Financial Investigations of the State Control Committee of the Republic of Belarus, the Security Service under the President of the Republic of Belarus, the Operational-Analytical Center under the President of the Republic of Belarus)⁸¹. Until December 2020, this loan was called «Officer's»⁸².

The loan rate for security officials is among the lowest rates and is equal to the rate on loans for education and loans for the purchase of domestic goods. The rest are higher. The logic of the bank is not entirely clear - why the security forces got into a group in need of special support (on an equal basis with people who need financial support for education), despite the fact that the incomes in the security structures are quite high. We cannot exclude possibility that the purpose of this discriminatory practice is to express special loyalty to the authorities. Thus, the bank especially supports the security apparatus, which is actively involved in human rights violations. For the bank's partners, this may be a signal that these issues and such cooperation between the bank and the security forces should be carefully monitored so as not to contribute to human rights violations.

⁸¹ <https://www.belinvestbank.by/individual/credit/professionalnyj>

⁸² <https://ftime.by/kredity/ofcerskiy>

CHAPTER 3. THE CONSEQUENCES OF THE POLITICAL AND HUMAN RIGHTS CRISIS OF 2020-2021 AFFECTING THE PROMOTION OF THE BUSINESS AND HUMAN RIGHTS AGENDA IN BELARUS

The current situation entailed a number of consequences for the business and investment climate of Belarus. To sum up, they can be conditionally divided into two groups: external (related to the reaction of the international community at the macro-level (international organizations) and at the micro-level (specific foreign business partners) and internal (the «response» of Belarusian business and society as a whole).

3.1. Reaction from the relevant international organizations (European Union and International Labour Organization)

The purpose of this review is not to analyze the reaction of the international community to the situation in Belarus as a whole and to all actions of the state. We aim to consider the consequences and reactions that affect business enterprises (both Belarusian and foreign), draw attention to the need for such business enterprises to respect human rights and/or indicate risks in connection with human rights abuses. Relevant reactions of the EU and the ILO are provided.

European Union

In November 2020, the EU adopted Resolution (2020/2882 (RSP)) *on the continuous violations of human rights in Belarus, in particular the murder of Raman Bandarenka*. Paragraph 11 calls on all businesses operating in Belarus **to exercise particular human rights due diligence** in accordance with the UN Guiding Principles.⁸³

⁸³ https://www.europarl.europa.eu/doceo/document/TA-9-2020-0331_EN.html

The European Parliament Resolution of June 10, 2021 *on systematic repression in Belarus and its consequences for European security following abductions from an EU civilian plane intercepted by Belarusian authorities (2021/2741 (RSP))*⁸⁴ appeals to EU resident companies and reminds all EU companies operating in Belarus of its previous call to exercise due diligence and uphold their responsibility to respect human rights in accordance with international standards, asks companies to refrain from any new investments, and also asks to publicly protest against the repression carried out by the Belarusian authorities, which continue to this day (para. 16). In addition, the resolution draws special attention to the need to reorient cooperation with Belarusian business to private companies that are «outside the regime» (para. 28). This document also calls for the termination of cooperation and financing of Belarusian state-owned banks and the limitation of credit lines from international banks to subsidiary banks in Belarus. In addition, the European Parliament asks EU resident companies, in particular Siemens AG, to stop cooperating with the Belarusian authorities through the exchange of technologies and know-how (para. 17).

The European Parliament Resolution of 7 October 2021 *on the situation in Belarus after one year of protests and their violent repression (2021/2881(RSP))* in paragraph 34 reminds EU resident companies of its previous calls and demands to exercise human rights due diligence, not to make new investments, and also asks to publicly express a protest to the Belarusian authorities against the ongoing repression of workers and citizens of Belarus in general⁸⁵.

The International Labour Organization

In February 2021, the *Committee of Experts on the Application of Conventions and Recommendations* in its 2020 Report on the application of international labour standards⁸⁶ considered the situation with Belarus in a special manner in the context of the obligations under ILO Convention N° 87⁸⁷. The Committee took into account the communications submitted to it by the International Trade Union Confederation and the Belarusian Congress of Democratic Trade Unions on unprecedented violence used to suppress peaceful protests and strikes of workers, arbitrary detention and torture of workers in places of restriction of freedom in August 2020.

In response to government's claims that members of independent trade unions were detained for organizing illegal strikes and other protests related to political demands that were not always peaceful, the Committee:

⁸⁴ https://www.europarl.europa.eu/cmsdata/235807/TA-9-2021-0293_EN_Systematic_repression_in_Belarus_&_its_consequences_for_European.pdf

⁸⁵ https://www.europarl.europa.eu/doceo/document/TA-9-2021-0420_EN.html

⁸⁶ https://www.ilo.org/ilc/ILCSessions/109/reports/reports-to-the-conference/WCMS_736204/lang--en/index.htm

⁸⁷ The Freedom of Association and Protection of the Right to Organise Convention (1948)

firstly, referred to the statement of the UN High Commissioner for Human Rights dated December 4, 2020, which emphasizes that, based on the results of monitoring and analysis, it can be concluded that the participants in mass protests were peacefully inclined;

secondly, and most importantly, the Committee emphasized the link between the social and economic rights of workers and their civil and political rights and freedoms. The 1970 ILO Conference resolution concerning trade union rights and their relation to civil liberties emphasizes that *worker's rights must be based on respect for civil liberties since the absence of such freedoms makes the concept of trade union rights meaningless*. Among the civil rights, necessary for the proper exercise of the rights of trade union are freedom of expression, freedom of assembly, freedom from arbitrary detention and the right to a fair trial.⁸⁸

The committee recognizes that a strike is a means of resolving disputes in the context of dissatisfaction with labor and social policies of the state, and strikes should not be political actions. At the same time, since *a democratic system in the state is a fundamental condition for the exercise of trade union rights, in a situation where workers believe that their freedoms are not provided enough to exercise the functions of a trade union, a peaceful call to ensure such freedoms will be within the framework of the functions and union actions*.⁸⁹

The Committee also recalled all the previous claims made to Belarus in 2004 following the ILO Commission of Inquiry Report⁹⁰ and noted that no significant progress had been made in their implementation over the years⁹¹. The fact that Belarus is «far» from fulfilling the ILO recommendations since 2004 was also pointed out by the *ILO Director-General* in his statement on the situation in Belarus on September 9, 2020.⁹²

Moreover, in March 2021, another committee - *the ILO's Committee on Freedom of Association* - considered the issue of measures taken by Belarus to implement the recommendations of the Commission of Inquiry, having also examined in detail the post-election situation and made similar conclusions and put forward such requirements as the ILO's Committee of Experts on the Application of Conventions and Recommendations.⁹³

⁸⁸ https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_771042.pdf (p. 114)

⁸⁹ Ibid, p.120.

⁹⁰ https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_005226/lang--en/index.htm; An overview of the ILO's requirements for Belarus can be found in the Manual «Belarus: Human Rights and Business» (section 8.1): <https://biz.belhelcom.org/>

⁹¹ https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_771042.pdf (p. 122)

⁹² https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_754965/lang--en/index.htm

⁹³ https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_776025.pdf

Based on the results of the discussion in November 2020, *the ILO's Committee of Experts on the Application of Conventions and Recommendations* included Belarus in the list of countries with the so-called «Double footnotes»⁹⁴ for discussion at the next session (which took place in June 2021). This status means that the state is obliged to provide concrete and detailed explanations of the ILO's comments by the next session and that the situation in the country will be discussed in detail. It also means that the ILO recognized the violations of the rights of workers and trade unions in Belarus as a particularly serious problem, of permanent character (at least since 2004), and requiring urgent measures⁹⁵, moreover, this means dissatisfaction with the volume and quality of the state's response and answers to the questions posed⁹⁶.

At the June session, the Committee considered the case of Belarus, adopted rather tough (including in terms of wording) conclusions, including the submission of conclusions on the country in a special paragraph. In particular, the Committee, having studied the official position of Belarus and other countries (both supporting and not supporting the position of the state), came to the conclusion that for almost 17 years Belarus has not taken relevant measures in order to take into account most of the recommendations related to violations of worker's rights and trade unions.

The committee set a number of conditions regarding the post-election situation and the rights of trade unions (the issue of the mandatory establishment of trade unions in private companies was especially noted - the Committee strictly demanded that the government not interfere in the process of organizing trade unions in private organizations, as well as, in principle, stop favoritism in relation to trade unions (we are talking about the FTUB)). Moreover, the Committee went through the «standard» long-standing requirements. As a result, the Committee demanded that the government, by the next session (by November 2021), to provide detailed information on the measures taken on all the recommendations that Belarus had not been fulfilling from year to year since 2004 (and all normative texts with amendments to legislation, including Law on Mass Events)⁹⁷.

If Belarus fails to comply with these requirements, the next step in terms of severity may be the application of the ILO Article 33 of the Charter⁹⁸.

⁹⁴ Together with Ghana, Tajikistan, and Turkmenistan. In total, there were 19 countries in the list of individual cases considered at the session in June 2021, of which only 4 were «double footnotes». https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_771042.pdf (p. 54, para. 128)

⁹⁵ In this case, urgency is assessed through the prism of human rights: either there must be a threat to human life, or the likelihood of irreversible consequences for people. Accordingly, the Committee considers that in the situation with Belarus there is either one or the other, or all together.

⁹⁶ These are the criteria for «labeling» the state as a case with a «double footnote» established by the ILO. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_771042.pdf (p. 54, para. 125)

⁹⁷ http://www.oit.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_814514.pdf

⁹⁸ Art. 33 suggests, inter alia, that if an ILO member fails to comply with the recommendations of the Commission of Inquiry for a certain period, the ILO Governing Body may recommend that the ILO Conference take such measures as necessary to ensure such compliance. Throughout the history of the ILO, this article was invoked once: in relation to Myanmar in 2000 in connection with forced labor. At that time, a resolution was adopted urging member states and international organizations, among other things, to reconsider their relations with Myanmar so as not to become involved in forced labor practices: https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_007918/lang--en/index.htm This essentially means, among other things, a complete or partial rejection of business ties.

3.2. Reaction of foreign business partners

The post-election events in Belarus forced foreign partners of Belarusian businesses to seriously reconsider their plans to continue or stop any cooperation for the following reasons:

- violation of internal policies and / or international standards that a foreign company adheres to in its commercial activities by a Belarusian company;
- the Belarusian company is included in the sanctions lists.

Violation of internal policies and / or international standards that a foreign company adheres to in its commercial activities by a Belarusian company.

The first large foreign business enterprise, which raised the issue of human rights abuses by the Belarusian partner and which used their partnership as a lever of pressure, was the Norwegian company *Yara International*⁹⁹, which cooperates with the JSC «Belaruskaliy» through the Belarusian Potash Company. Back in September 2020, Yara drew attention to the inadmissibility of violations of worker's rights by companies it works with, and made a public statement about the situation on its website¹⁰⁰.

The statement clearly stated that Yara respects international human rights standards, including freedom of expression and the right to participate freely in elections. The company also refers in the statement to the UN Guiding Principles 2011 and its Code of Conduct for Business Partners. In September, the CEO of the Yara company came to Belarus and held negotiations with the management of the «Belaruskaliy». After that, the company constantly monitored the situation and made attempts to resolve the issue through negotiations, the company made 2 more public statements (in November and December 2020), the position was also announced by the CEO of the company to the Ambassador of Belarus in the Scandinavian countries¹⁰¹.

After that, a reaction followed from the Belarusian enterprise, options for fulfilling Yara's requirements were publicly announced (consideration of issues on the lifting of disciplinary sanctions and the recruitment of dismissed employees)¹⁰². At the same time, the proposed options were not aimed at eliminating fundamental violations of worker's rights.

⁹⁹ One of the world's largest suppliers of mineral fertilizers and one of the key clients of the Belarusian Potash Company.

¹⁰⁰ <https://www.yara.com/news-and-media/news/archive/2020/yara-concerned-over-belarus-situation-updated/>

¹⁰¹ November 2020: <https://www.yara.com/news-and-media/news/archive/2020/yara-concerned-over-belarus-situation/>, December 2020, the statement of the CEO: <https://www.yara.com/news-and-media/news/archive/2020/message-from-yara-ceo-svein-tore-holsether-on-situation-in-belarus/> and the statement in January 2021: <https://www.yara.com/news-and-media/news/archive/2020/yara-statement-on-the-situation-in-belarus/>

¹⁰² <https://kali.by/news/11746/>

In January 2021, the brands *Nivea man*, *Skoda*, and *LiquiMolly* refused to sponsor the World Ice Hockey Championship, which was to be held in Belarus, due to human rights violations by the host country¹⁰³. *Tissot* also posed a question to the International Ice Hockey Federation about the situation in Belarus, noting that human rights are the main value of the brand¹⁰⁴. In response to this, by the Resolution of the Council of Ministers № 240 dated April 23, 2021, Belarus banned the import and sale of goods of relevant manufacturers on the territory of the Republic of Belarus¹⁰⁵ with the wording «to ensure the protection of national interests, taking into account unfriendly actions towards the Belarusian people»¹⁰⁶.

In February 2021, the *Michelin* concern reacted to the information about the violations of worker's rights at the «BMZ» and the «BelAZ» and announced that it informed the management of the «BMZ», demanded a reaction and would also inform the management of the «BelAZ», although it did not have direct business ties with it, but it would require responses from the enterprise to the facts of human rights violations¹⁰⁷.

In May 2021, the Swedish Export Credit Agency (hereafter - EKN) refused to insure the supply of two Siemens gas turbines to the «Brestenergo» and the «Minskenergo» due to «non-fulfillment of the necessary conditions for the compliance of projects with human rights standards.» After that the German KfW IPEX Bank canceled a loan of 100 million euros that had not yet been paid to the Belarusian state-owned company «Minskenergo». The company did this as part of a human rights risk assessment that is integrated into the overall risk assessment of the EKN's operations. The EKN Human Rights Policy states that the EKN's human rights impact assessment focuses on the rights associated with the impact of a company's operations in the place of business¹⁰⁸. The second German bank (Commerzbank), which had credited the supply of the «Brestenergo», refrained from commenting on the loan (covering part of the turbines), while Siemens said that, despite this, it planned to continue to supply the turbines. Suggestions are made that the company itself may have to partially finance the deal¹⁰⁹.

¹⁰³ In connection with the ongoing events and pressure from the international community and the Belarusian civil society, the World Cup was eventually moved by the International Ice Hockey Federation to Latvia. <https://www.dw.com/ru/%C5%A1koda-i-nivea-otkazalis-sponsirovat-chm-v-belarusi/a-56248883>

¹⁰⁴ https://www.gazeta.ru/sport/news/2021/01/16/n_15496040.shtml

¹⁰⁵ «LIQUI MOLY», «ŠKODA AUTO» и «BEIERSDORF» (торговые марки «NIVEA», «EUCERIN», «LA PRAIRIE», «LABELLO», «HANSAPLAST», «FLORENA», «8X4», «SKIN STORIES», «GAMMON», «TESA», «CHAUL», «COPPERTONE», «HIDROFUGAL», «STOP THE WATER WHILE USING ME».

¹⁰⁶ <http://www.government.by/ru/content/9813>

¹⁰⁷ Letter from the company to the Business and Human Resource Center: https://media.business-humanrights.org/media/documents/Michelin_response_05-02-21.pdf

¹⁰⁸ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities. Press-release: <https://www.ekn.se/om-ekn/nyhetsrum/arkiv/2021/pressmeddelanden/ekn-drar-tillbaka-belarus-offterter/>

¹⁰⁹ <https://www.dw.com/ru/turbiny-siemens-dlja-belarusi-kredita-net-no-postavki-idut/a-57906682>

In early June 2021, the Swedish Alcohol Retailing Monopoly, *Systembolaget*, announced that it was stopping the sale of the sparkling wine «Sovetskoye» produced by the Minsk Sparkling Wine Factory, as they received information about the risk of non-compliance with the Systembolaget's Code of Conduct¹¹⁰. They consider this is a critical issue, and due to the political situation, it is impossible to conduct an on-site audit. Thus, the sale of sparkling wine is stopped until the case is investigated¹¹¹.

In June 2021, it became known that a large Swedish company *Scandia Steel*¹¹² announced that it would no longer buy the products by the «BMZ» due to the violations of worker's rights¹¹³.

The complicity of the state media business in human rights abuses (in particular, the broadcasting of videos of duress confessions) raised questions about the advertising of international brands on these channels, as it indirectly encourages and participates (financially) in supporting propaganda and human rights violations.

In its comments to the German edition RND Nestle did not give a specific answer about the reaction to this letter, but noted that it had already reduced the advertising budget in Belarus within the framework of regular monitoring¹¹⁴. The company also referred to the lack of alternative (non-governmental) channels for product advertising¹¹⁵.

We know that the issues of reducing advertising on the state's TV of Belarus after the situation with Nestle were considered by another large international brand.

In this regard it is also important to highlight that at the end of May 2021, *the European Broadcasting Union* (hereafter - EBU) froze the membership of the «Belteleradiocompaniya». The EBU noted that before using such a measure, for a long time it constantly monitored the broadcasts and called on the «Belteleradiocompaniya» as a member to respect the values of the EBU, freedom of expression, independence and accountability (the broadcast of «confessions» under pressure is especially unacceptable)¹¹⁶. From July 1, 2021 the «Belteleradiocompaniya» has been excluded from the EBU¹¹⁷.

¹¹⁰ According to the information we have, a prerequisite for cooperation with Systembolaget was the accession (undertaking) of the Minsk Sparkling Wine Factory to the Code of Conduct of the International Business Association Amfori (an association with a 40-year history, uniting more than 2,400 companies of any size and sector from more than 45 countries, the main goal of the association is the common standards of ethical sustainable business). The adoption of this association's Code of Conduct is a part of the due diligence of Systembolaget. This is one of the elements of providing clean partners in their supply chain. The Minsk Sparkling Wine Factory formally sent as confirmation the text of the code, signed by hand with the seal of the organization, however, no measures stipulated by the Code were implemented (starting from posting on the organization's website, informing employees about the standards provided for the compliance and its compliance in reality (labor rights, trade unions, etc.)).

¹¹¹ <https://www.svt.se/nyheter/inrikes/systembolaget-stoppa-belarusisk-bubbel>

¹¹² Major supplier of steel piles for foundation and foundation's reinforcement.

¹¹³ Letter from the company to the union of Belarusians in the UK. The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

¹¹⁴ In August 2020, it was announced that many companies had cut public advertising on TV, Nestle was mentioned among them: <https://marketing.by/novosti-rynka/krupneyshie-brendy-snyali-reklamu-s-gosudarstvennykh-telekanalov/>

¹¹⁵ <https://www.rnd.de/politik/belarus-nestle-wegen-tv-werbung-in-der-kritik-folteropfer-und-schokoriegel-QMK6V6NHMZHIJ2HBDGUSR6PJY.html>

¹¹⁶ <https://www.ebu.ch/news/2021/05/ebu-executive-board-agrees-to-suspension-of-belarus-member-btrc>

¹¹⁷ <https://wiwiblogs.com/2021/06/30/belarus-ebu-expels-belarus-broadcaster-btrc-not-eligible-for-eurovision/265914/>

Another industry association that reacted to the situation in Belarus and drew attention to the fact that business cannot function normally in such situation is *the International Association of Computer Game Developers (hereafter - IGDA)*. On August 18, 2020 IGDA (right after became aware of the torture on August 9-11 and the disconnection of the Internet in the country for 3 days) made two public statements: about violence and human rights in Belarus and an appeal to A. Lukashenko and the Hi-Tech Park administration.

The Association put forward a number of specific requirements and noted that if the situation does not change, it will be forced to recommend its partners through all available means and measures to avoid cooperation with the Republic of Belarus and will recommend all other developers and other IT companies to avoid investments and transactions with the Republic of Belarus. ... IGDA also noted that «industry cannot thrive where Freedom is suppressed.¹¹⁸»

The severity of the political crisis has led to the fact that a part of society demands that businesses leave the Belarusian markets in order to put pressure on the existing regime.

In this regard, you need to understand that within the framework of pressure on foreign business and the requirement to include the lever of partnership in the current situation, it is important to distinguish:

- a general and categorical requirement for foreign business enterprises to leave the country **as a tool of pressure on the authorities**;
- specific requirements (up to the termination of the contract) for responsible business behavior in the context of human rights **as a tool for improving the human rights situation in the activities of a business partner in the current crisis period**.

According to the standard of the UN Guiding Principles 2011, business can and should use its partnership as leverage against a partner who abuses human rights. As a last resort, when the remaining tools and measures are exhausted, the standard also implies the termination of partnerships.

It is important and crucial to find a balance and, above all, to ensure that business enterprises implement human rights due diligence, that is, take all possible and reasonable measures at this point in time to prevent existing human rights violations or mitigate the risk of their occurrence, as well as ensure that the victims of such violations have access to remedy. Therefore, it is reasonable to demand the company to leave only after it has exhausted all possible means of influence that have not yielded any results.

When assessing the feasibility and reasonableness of specific measures in the framework of the use of the leverage of the partnership, many factors need to be considered: Does the company have direct control over the partner to some extent?

¹¹⁸ <https://igda.org/news-archive/igda-statement-on-violence-and-human-rights-in-belarus/?fbclid=IwAR0NdLd7A3S62MgCJThyxXpbnDdzbEW84PIIiBSY2MvtfjsQeJnsVoUcQYFw>

What are the terms of the contract? Are there and, if so, to what extent, reputational and other benefits for the partner in cooperation with this company? What losses and damage will the partner suffer if the company refuses to cooperate with him? The ability to «include» external factors to strengthen leverage: participation in industry-specific business associations, other multilateral initiatives, the ability to involve the state, civil society.

The choice of mechanisms for influencing partners should be carried out with the participation of local stakeholders - trade unions, NGOs, local experts. This will allow the development of the most realistic and adequate, taking into account the country context, measures, and proposals. The leverage of partnership cannot be outside the context of the country in which the business operates.

For example, the fact that Yara was unable to completely mitigate violations of worker's rights at the «Belkaliy» and restore workers in their rights, is due not only to the lack of its actions, but also to the complete dependence of Belarusian state-owned enterprises on the government and the need to comply with direct orders from «above». Or, for example, it is important to understand that the inadequate reaction of the authorities to the good behavior of Nivea and Skoda and the ban on the import of products of these brands cannot but influence the adoption of such decisions by other companies.

Sanctions¹¹⁹

Refusal to cooperate as a result of the adoption of sanctions in this context is not a tool for improving the human rights situation in a particular company.

¹¹⁹ As of 04.11.21:

In total, **the EU** has adopted 4 packages of sanctions against Belarus, as a result of which **166 individuals and 15 Belarusian companies** are currently under sanctions. Timeline with all EU sanctions documents and a list here: <https://www.consilium.europa.eu/en/policies/sanctions/restrictive-measures-following-the-2020-belarus-presidential-elections/belarus-timeline/>

On October 7, 2021, the European Parliament adopted a resolution calling on the EU countries to increase economic pressure on the Belarusian regime and introduce the fifth package of sanctions: https://www.europarl.europa.eu/doceo/document/TA-9-2021-0420_EN.html

The United States has adopted sanctions against **47 individuals and 23 organizations (12 of them are business enterprises)**. The full list is here: <https://sanctionssearch.ofac.treas.gov/>; On August 9, 2021, the President of the United States signed a new Executive Order regarding Belarus, which significantly expanded the scope of the sanctions and makes it possible to impose personal sanctions on managers of enterprises under sanctions, as well as to impose sectoral sanctions (energy sector, potash sector, tobacco sector, construction sector or transport sector of the Belarusian economy and others that may be determined by the Secretary of the Treasury in consultation with the US Secretary of State):

https://home.treasury.gov/system/files/126/20210809_belarus_eo.pdf;

With regard to Belaruskaliy, a separate deferral document was adopted - General license No. 4, according to which it is prohibited to make transactions with the JSC «Belaruskaliy» or with any enterprise in which the JSC «Belaruskaliy» directly or indirectly owns 50% or more of participation interests only from December 8, 2021. At the same time, until December 8, 2021, it is still not allowed to conclude new sales and purchase agreements with the participation of the «Belaruskaliy» or any enterprise in which «Belaruskaliy» directly or indirectly owns 50% or more https://home.treasury.gov/system/files/126/belarus_gl4.pdf

The UK has imposed sanctions on **100 individuals and 9 organizations (8 of them are business enterprises)**: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1010452/Belarus.pdf

Canada has imposed sanctions on **72 individuals and 5 companies**. On August 6, 2021, Canada introduced sectoral sanctions affecting the banking sector, oil and potash industry in Belarus: https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/belarus.aspx?lang=eng

Firstly, the company is included in the sanctions lists primarily due to the behavior of the state under whose jurisdiction it operates;

Secondly, decisions to impose sanctions on a particular enterprise are not made by the business (as in the case of violations of internal policies or standards of responsible business conduct), but by the relevant organizations or governments. Accordingly, the lifting of sanctions is also independent of the business partner;

Thirdly, if a Belarusian company is included in the sanctions lists, the relevant foreign partners have no «room for maneuver»: they must refuse to work with the company under sanctions.

At the same time, in the context of business and human rights, sanctions are an important factor and risk that foreign business should take into account when working in/with Belarus. The introduction of sanctions is influenced, among other things, by the unpredictability of government actions (for example, the forced landing of a Ryanair aircraft), as a result of which further sanctions may be imposed, which will require adjustments to the supply chain.

3.3. Risk assessment by Belarusian business enterprises, outflow of profitable and rapidly developing Belarusian business enterprises and highly qualified specialists

Based on the business survey conducted at the end of November 2020¹²⁰ (aggregate data for «rather worried» and «very worried» responses):

59% of companies are worried about the growing confrontation in society (of which 24.4% are very worried about this);

47,9% of companies are concerned about violations of the law by the authorities;

40% of companies regard a threat to the safety and detention of their employees as a risk (of which 19.7% are very worried about this);

49,6% of companies are worried about increasing government pressure on business;

39,7% of companies assess the outflow of qualified personnel from the country as a risk.

At the same time, 1.5% of companies considered the relocation of the entire enterprise or part of employees to another country as of November 2020. Presenting the results of the survey, BEROС employee, Rodion Morozov, pointed out that mainly the representatives of the IT sphere are talking about relocation in Belarus.¹²¹

¹²⁰ A random sample of 100 SMEs were surveyed by MIA Research on request by BEROС. The focus of the survey was the situation with COVID-19, but, among other things, there were issues related to the post-election situation in the country: <https://covideconomy.by/business>

¹²¹ https://thinktanks.by/publication/2020/10/08/63-protsenta-belorusskih-kompaniy-poka-ne-vidyat-neobhodimosti-v-relokatsii.html?fbclid=IwAR2Kj3hZ7iGEIM_Pr2SHi931JQuQKrDssBm82ewc6BErA0rpgxIHmFcxnkU

In the last decade, Belarus had high hopes for the development of the IT sector and positioned itself as an «IT country». The IT industry is one of the few (if not the only) that has been actively developing against the background of the general stagnation of the Belarusian economy in the last decade. The export earnings of Belarusian IT companies have been growing rapidly over the past ten years - by tens of percent per year. Despite the relatively small number (less than 2% of the Belarusian labor force is employed in the information technology segment), IT companies have until recently been considered as the drivers of the national economy¹²². In 2019, the share of foreign investment in ICT amounted to 7.1% of the total volume of investments, and the share of exports of services - 25% of the total volume of exports of services¹²³.

According to another survey (targeted one) - only among the IT sector representatives (315 company executives) in December 2020¹²⁴ - based on the average scores for assessing the likelihood¹²⁵ and significance¹²⁶ of risks for doing IT business in Belarus, the area of the highest risks is highlighted below:

- technical failures (including disconnection of the Internet);
- deepening of the political crisis;
- excessive regulation;
- threat to physical security;
- reduced demand in the domestic market;
- decrease in productivity due to tense socio-political conditions;
- the outflow of personnel.

Of course, such indicators cannot but influence the decision-making on relocation. According to the same survey from December, 48.6% of companies admit the possibility or are in the process of implementation at least one of the relocation options proposed in the survey. At the same time, IT business leaders see economic security and personal security as the most significant positive effects from relocation in the current operational environment (44.6% each).

¹²² The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

¹²³ <https://beroc.org/upload/iblock/ae2/ae25529b6e59aeefdf78a8ae149423d2.pdf>

¹²⁴ The survey by MIA Research on request by BEROC. The results are presented in the analytical paper by Anna Aginskaya: IT industry in Belarus: current situation and development prospects: <https://beroc.org/upload/iblock/ae2/ae25529b6e59aeefdf78a8ae149423d2.pdf>

¹²⁵ According to the likelihood of risks associated with continuing of doing business in the IT sphere in Belarus, the first place (answers «very possible» and «possible», respectively) is the deepening of the political crisis in the country (40.3% and 23.8%). In addition, a decrease in productivity due to a tense environment (25.7% and 25.1%), a threat to physical security (28.3% and 24.4%), technical failures (including the work of the Internet) (31, 1% and 27.3%), outflow of personnel abroad (27.6% and 25.7%).

¹²⁶ According to the significance of risks for IT business: technical failures (including the Internet) (35.9%), deepening political crisis (30.8%), and threat to physical security (27%) are in the top 5 very significant risks.

Another survey (of employees of IT companies) regarding plans to relocate IT businesses was conducted by the dev.by portal in September 2020 and in January 2021. In September 2020, 25.5% were ready to provide partial relocation for their employees, in January 2021 - 31.4%. Full relocation was carried out in September 2020 – by 3.6% of companies, in January 2020 – by 5.4%¹²⁷.

The statistics on polls of startups are essential and indicative as startups are one of the key elements of today country's economic development.. The poll was conducted by the Belarusian startup hub Imaguru (which itself was forced to relocate due to repressions). Experts interviewed Belarusian startups about their activities, performance and prospects in the context of the political and economic crisis in Belarus caused by the presidential elections last year and the events associated with them¹²⁸.

For the purposes of our study, the following figures are indicative:

58% of Belarusian startups left Belarus;

26, 7% of Belarusian founders do not plan to return to Belarus;

44% of startups see democratic changes and new elections as the minimum condition for their return;

80% of startup employees have experienced psychological discomfort caused by fear, anxiety, the state of family and friends;

21% of startup employees were detained, in 18% of cases administrative and/or criminal cases were brought up against founders, 12% were questioned by representatives of law enforcement agencies;

42, 5% of startup employees were forced to leave Belarus.

We can also mention the situation with the medical business (commercial medical centers), which is losing a large number of qualified workers. Doctors also turned out to be one of the most protest-minded professional groups. Firstly, because of what they saw «in the field» in the context of the pandemic (and how much it differed from the official position of the state). Secondly, because of what they had to face after the presidential elections when in the first three days people were admitted to hospitals with practically military wounds and evidence of tortures. Doctors began to be massively fired from public hospitals for expressing their civil positions, as well as by orders of the Ministry of Health. Doctors were fired from private medical centers, where many of them had second jobs. At the moment, qualified doctors are leaving the country en masse¹²⁹.

¹²⁷ <https://dev.by/news/relocate-company-jan2021>

¹²⁸ Representatives of 220 startups were surveyed, in which at least one of the founders with a dominant share – Belarusian: <https://bel.biz/wp-content/uploads/2021/09/StartupBelarusReport2021-1.pdf>

¹²⁹ <https://www.delfi.lt/ru/news/economy/uehat-nelzya-ostatsya-gde-i-pochemu-zhiteli-belarusi-stavyat-zapyatuyu.d?id=86773335>; <https://www.dw.com/ru/belarus-terjaet-luchshih-vrachej-iz-za-protestov-i-pravdy-okovide/a-57450074>

3.4. The emergence of a public demand for the respect of human rights by business enterprises, spontaneously emerged mechanisms of «blaming & shaming»

Public pressure, including through making public the evidence of human rights violations, is one of the main mechanisms of influencing business in the context of its respect of human rights and, at the same time, it is a driver of the topic. The so-called «blaming & shaming» mechanism is the main form of drawing public attention to the problem of human rights violations by business enterprises and the state's inaction in this regard. It is the main tool of civil society in advocating and promoting the topic of business and human rights in Western Europe and the United States, which is implemented in a variety of forms: from pickets near the headquarters of companies to the creation of a database of human rights violations by business. In this regard, one of the key factors in the respect of human rights by business is the demand of the society, including the demand «from below» (from the employees and customers themselves).

At the same time, this tool will work where there is an institution of reputation and where its monetization is obvious. Since the disclosure of the information on human rights violations by business and PR scandals are fatal for business, among other things, due to the loss of loyalty of customers and employees, local and international partners, difficulty in obtaining funding from international institutions, etc.¹³⁰ And if business often does not care about the value of human rights, then at least it will be always worried about possible economic risks in connection with human rights violations.

In this sense, the combination of the Covid-19 and the political crisis of 2020-2021 obviously started to change the situation in Belarusian society. The 3 main factors that, in our opinion, has begun to change the attitude towards human rights in society and has gave the impulse to the formation of a public demand for business to respect human rights are:

- Concentrated forms of disrespectful, inhuman treatment of people by the state and state business (which began in the context of the Covid-19 pandemic and continued during the electoral crisis);
- Legal default during the election campaign and in the post-election period;
- Unprecedented civil empathy and spontaneous, rapid formation of a horizontal system of connections in society (first in the context of the Covid-19 pandemic and then during the electoral crisis).

¹³⁰ For more information, see «Why Business Needs Human Rights? Benefits for the company»: <https://biz.belhelcom.org/>

As a result, a huge number of people have seen that human rights are something that happens to them every day and affects all aspects of their lives. People began to actively delve into when and in what human rights they have, and how they can defend themselves, especially after the legal default happened in the country..

One of the key moments is that people have suddenly «remembered» that they are taxpayers and have started to demand accountability of stakeholders. First of all, from the state, but also from the business. This is an important condition for realizing one's own subjectivity and a necessary element of the formation of a «demand for human rights» in society.

Human rights began to be perceived as necessary and in demand, leaving the category of «something you don't want to mess up with».

In such a situation, business, as a participant and an element of society, is forced to integrate into these systems of horizontal ties and respond to a new public request. In many cases, this was the personal position of the business owners or its individual representatives. In some cases, businesses immediately saw the «return» of society and the monetization of their loyalty to a person: for example, the case of the O'petit coffee shop, whose employees let in people fleeing the arbitrary persecution of the security forces and then closed the doors to prevent security officers to get in. As a result, the security forces smashed the shop window of the cafe, continuing the persecution of people. The next few days there were endless queues of customers at the coffee shop - in this way society expressed solidarity and support (including financial, buying products)¹³¹.

At the same time, «blaming & shaming» mechanisms have appeared, aimed at a business that took the other side in relation to a Person, or at rewarding a business that took the side of a Person. It is important to highlight that all mechanisms were created by Belarusians for Belarusians.

Krama (<https://kramaapp.com/>) – is an app for iOS and Android, with which you can scan the barcode of a product when choosing in a store and see if the manufacturer is affiliated with the current authorities or with government companies that harass employees for their

¹³¹ According to the owners, 700 cups of coffee were sold in the establishment designed for 12 people only on the first day after the incident: <https://www.bfm.ru/news/452708>. People were willing to queue up to an hour to buy coffee in this coffee in those days.

participation in protests¹³². The application's website states that it was created by «ordinary citizens united by the ideas of freedom, equality and happiness.» The app was released for downloading at the beginning of September 2020, and on September 13, 2020, it was approved by Apple and Google on its platforms. More than 60 thousand iOS and Android users downloaded it in the first week¹³³. As of November 2020, according to the developers, the application has been installed by about 160 thousand users, who have already checked more than 760 thousand products¹³⁴. Version 2.6.0 is currently in effect.

Zashkvarka (<https://zashkvarka.org/>) – is a site that accumulates information about businesses that both supported people and who sided with the regime. There are: Bars and clubs¹³⁵(40) Leisure and entertainment (25) Health and beauty (50) Coffee houses (33) Shops (97) Real estate (8) Education (4) Restaurants and cafes (84) Goods and products (16) Services (67) Finance and business (8). At the end of August 2021, only 432 companies were registered on the site. At the same time, the resource contains a map with red («white» companies) and black («black» companies) dots - the location of the business. For each company, the reason for being on a particular list is briefly indicated, as well as general criteria on the basis of which the company is included in the «black» or «white» lists¹³⁶. On the website, the information about the project indicates that it is made by a team of volunteers, not associated with any organization: «The project is fundamentally non-commercial, we do everything for our own money and do not accept donations.» The project's website also states that it was created «for people who want to make an informed choice to whom to pay money for goods and services from the point of view of political views and purity of reputation.»

¹³² **Krama criteria** (<https://kramaapp.com/f-a-q/>):

- affiliation with certain citizens from the inner circle of the President
- belonging to the Presidential Administration
- alcohol and tobacco
- participation of employees or management in political actions aimed at supporting non-democratic institutions in Belarus
- advertising in state media following a call from civil society to end cooperation with state media
- supply of equipment or technologies to law enforcement agencies
- state-owned enterprises located in holdings
- Private labels produced at the facilities of the above manufacturers.

All information is verified only from publicly available sources.

¹³³ <https://www.currenttime.tv/a/krama-app/30852331.html>

¹³⁴ <https://www.dw.com/ru/it-protest-kak-tehnologii-pomogajut-belorusam-protivostojat-lukashenko/a-55700780>

¹³⁵ The total number of companies in this area - of which it is further indicated which ones are on the «white» list and which ones are on the «black» list.

BelScan (<https://bl2020by.com/>) is an app for checking companies, goods and individuals who support / are involved in the regime and human rights violations. The app's page on Google Play indicates that the BelScan app provides an opportunity for all residents of the country to reduce funding for torture and human rights violations¹³⁷. The app (as well as its website) allows to make a search by a product name, company name and the names of specific individuals. As for companies, information on them, same as in Zashkvarka, is divided into business areas (food, alcohol, IT, gambling and lotteries, gas stations, rent, banks, hotels, leisure, conferences and exhibitions, beauty and sports, logistics and transport, shops and trade, furniture, medicine, footwear, catering, clothing, printing, insurance services, building materials, construction, tobacco, telecommunications, tourism, services, jewelry). The website of the app also states that this is a non-commercial project. There is no available information on the criteria for adding companies and products.

Blacklist 2020 (<https://blacklistbel.netlify.app/>) – is a site-base of companies affiliated with the Lukashenka regime and supporting security officials, disaggregated by business areas according to the list of areas, which is similar to BelScan. The website of the project indicates that it works based on the principle of crowdsourcing. The emphasis is made on the fact that the development of clear criteria for a boycott is one of the project's priorities¹³⁸. Companies that are on the list by accident are encouraged to contact the developers.

¹³⁶ **Zashkvarka criteria** (<https://zashkvarka.org/ru/rules>):

Business that has provided support to the protest or individual protesters is added in the case of:

- strikes
- a public statement supporting the protest
- «quiet» support for the protest, for example: discounts, protest attributes in goods, etc.
- support days of solidarity
- providing gratuitous assistance to victims of repression
- shelter for protesters in danger during peaceful protests.

Organizations that supported Lukashenka or affiliated with the regime:

- private business that voluntarily and publicly expressed support for Lukashenka
- a business where the management put pressure on employees during the election campaign
- state-affiliated private business of friends and relatives of top officials (corruption component)

¹³⁷ https://play.google.com/store/apps/details?id=com.bl2020by.belscan&pcampaignid=site_BL2020BYcom

¹³⁸ **Criteria** for attributing a company to the **Blacklist2020 database**:

- State enterprises
- Private companies whose owners or management support the regime
- Companies cooperating with law enforcement agencies

Enterprises whose collectives have publicly expressed their position are excluded from the list.

We were unable to find specific studies that would directly show the extent of changes in consumer loyalty depending on the orientation of the business in the post-election situation. However, the very fact of the appearance of the described mechanisms and the intention to use them not just as sources of information, but also as specific instruments of influencing consumer's demand, speaks of the beginning of the formation of such public demand.

However, there is some indirect evidence of partial loss of customer loyalty to brands that are affiliated with the regime. Thus, the results of a survey of consumer sentiments of Belarusians conducted by the International Agency for Social and Marketing Research MASMI in Belarus showed that¹³⁹:

- a fifth of the respondents know the Krama application, 40% of them use this application to check manufacturers;
- a third of the respondents refused to visit certain retail chains. Among those who refused, the most often mentioned are avoiding purchases at «Euroopt» and «Korona»¹⁴⁰;
- Among those who changed the brand of dairy products (the base of respondents was 65 people) most often refused the dairy brand «Savushkin» - 39%¹⁴¹.

In addition, a survey of consumers in the Republic of Belarus conducted by Nielsen¹⁴² has shown that 78% of Belarusian consumers are currently concerned about the political situation.

Such initiatives are a completely new phenomenon for Belarus and they, in our opinion, testify to the advancement of the business agenda and human rights. However, it should be noted that when using such mechanisms, it is extremely important not to blur the topic of business and human rights, which has a very specific content: the focus should be precisely on the negative impact of the commercial activities of business on the realization of specific human rights. It would be contrary to business and human rights standards to use blaming mechanisms to force businesses to declare their political preferences. In order for such mechanisms not to remain only at the level of emotional impulses and social consolidation in times of the crisis, but to become a really working tool in the subsequent, helping to promote a positive agenda, it is essential to take into account, among other things, such aspects as the quality of information verification, the opportunity for business to be removed

¹³⁹ The study was conducted by the online survey method in late September-early October 2020 (survey audience - men and women 18-45, living in the cities of the survey for the last 6 months. 500 questionnaires processed) : <https://marketing.by/analitika/belarusy-otkazyvayutsya-ot-pokupki-opredelennykh-brendov-dannye-issledovaniya/>

¹⁴⁰ It is these trading shops that are positioned as the most closely associated with the Lukashenka regime.

¹⁴¹ The owner of this brand is Alexander Moshensky, a businessman close to Lukashenka.

¹⁴² Held in October 2020. 500 respondents were interviewed in cities with a population of 30,000+: <https://marketing.by/analitika/belarusy-stali-bolshe-gotovit-doma-i-vybirat-zdorovye-produkty-potrebitelskie-trendy-2020-goda-po-da/>

from these lists if the reason for being there is eliminated, the assessment of the company's dynamics compared to the moment it was included in the list, etc.

The most important thing to understand in the context of discussing «blaming & shaming» mechanisms is that the task of such mechanisms is not only blaming a business and demonstrating its abusive behavior but also the fact of protecting a person, and contributing to the sustainable positive changes in the business itself.

CHAPTER 4.

RECOMMENDATIONS FOR BUSINESS AND STATE

4.1. Recommendations on business human rights due diligence while operating in Belarus

The recommendations are presented in accordance with the stages of human rights due diligence:

1. Identification and assessment of risks of violation / involvement in human rights violation
2. Development of specific measures to mitigate or eliminate such risks
3. Evaluation of the effectiveness of the implementation of such measures.
4. Public reporting on measures taken.

Identification and assessment of risks

An effective assessment by a business of the risks of participating in human rights abuses depends on the completeness and quality of information that a business possesses while carrying out human rights due diligence. In this regard, it is important:

- to take into account that the reports of most Belarusian companies on Corporate Social Responsibility or other non-financial reporting do not make it possible to adequately assess such risks, since they contain mainly information about social projects and charity, or, in extreme cases, about the measures taken by the company to observe certain worker's rights. There were cases of companies providing their partners with inaccurate information;
- not to be limited only to the official information provided by the company itself (especially in the case of state-owned enterprises), it may not be entirely precise. Be sure to contact local civil society organizations, independent trade unions, local experts, analyze alternative sources of information;
- to check for the presence in the sanctions lists not only of the partner itself (current or potential), but also of the companies in its supply chain;

- to take into account that there are significant obstacles for independent sociology in the country, official statistics are published with large «gaps»¹⁴³. In this regard, the search for adequate statistics or data from opinion polls on sensitive topics may require additional efforts and verification by independent experts;
- in cases with state-owned business, it is important to take into account that at any state enterprise there is a structure of a pro-government trade union - the Federation of Trade Unions of Belarus, which is fully affiliated with the state. Almost at any state enterprise *ipso facto* there is a real risk of violation, at least, of the worker's right to create and operate an independent trade union. Information provided by the «official» trade union (as well as the management of the enterprise) regarding violations of worker's rights or any problems at the state enterprise requires careful additional verification and can not be considered as comprehensive and objective;
- to take into account the latent nature of human rights violations at Belarusian enterprises, which is due to the lack of effective tools for their protection. Quite often, victims of violations are afraid to talk about violations, even in person, not to mention publicity. Therefore, it is highly recommended to take additional precautions to avoid being drawn into human rights violations by an unscrupulous partner;
- Special attention should be paid to checking the existence of internal corporate mechanisms for complaints and restoration of rights, both in relation to employees and in relation to customers and the local community. It is important as the mechanisms provided for by labor legislation used by trade unions-members of the FTUB do not meet the criteria of the effectiveness;
- when placing advertisements, it is necessary to take into account that state media are an instrument of state propaganda and are directly involved in human rights violations;
- For guidance and understanding of the most «risky» areas and context, you can use the Guidelines «Belarus: Human Rights and Business» issued by the Belarusian Helsinki Committee in cooperation with the Danish Institute for Human Rights in 2019 (parts 8, 9): <https://biz.belhelcom.org/>

¹⁴³ For example, publishing the annual demographic compilation (for 2020) in early 2021, Belstat did not publish data on mortality in 2020. This is done in order to make it impossible to calculate the real number of deaths from coronavirus in 2020.

Development of measures to prevent and/or mitigate such risks and assess its effectiveness

- it is important to inform your Belarusian partners of the unacceptability of actions that violate human rights, including any prosecution for expressing one's civil position (both in relation to employees and in relation to customers), as this may lead to the termination of contracts;
- it is important to promote among Belarusian partners the understanding that for modern business, reputational risks from a partnership with an enterprise violating human rights can be an insurmountable obstacle in the establishment and development of economic cooperation. In particular, they can significantly exceed the risks, for example, non-compliance with the deadlines for fulfilling contractual obligations due to a strike, etc.;
- it is necessary to enshrine directly in contracts the provisions of your internal human rights policies on the inadmissibility of involving a partner in a direct or indirect human rights violations or abuse;
- when developing a set of measures, it is important to take into account the insufficient consolidation of important provisions of human rights standards in Belarusian legislation, for example, in the field of equality and non-discrimination, trade union rights, strikes (for more details, see the Guide «Belarus: Human Rights and Business» (2019))¹⁴⁴. In this regard, it is important to apply for regulation in this part the provisions of their corporate policies, developed on the basis of generally recognized human rights standards, and to demand the same from their Belarusian partners.
- An effective internal corporate mechanism for considering complaints and restoring violated rights in working with a Belarusian partner can be the creation of special structures jointly with a foreign partner, which will use norms and practices that are more developed from the point of view of human rights;
- When working primarily with state-owned enterprises, when developing a set of measures, it is important to take into consideration that their management is often unable to make independent decisions in relation to violations of human rights associated with protests and disagreement with the current politics. Dismissals and other violations of rights often occur at the request of law enforcement agencies and special services. However, it is important to remember that these circumstances cannot serve as an excuse for maintaining a relationship with such a partner;

¹⁴⁴ The Guidelines «Belarus: Human Rights and Business» (2019) for each potential risk area presents recommendations of international human rights bodies regarding Belarusian legislation (chapters 8.9): <https://biz.belhelcom.org/>

- It is necessary to develop and strengthen channels of direct communication with employees and customers of the partner enterprise and inform them about your corporate policies in the field of human rights, as well as use these channels to collect information on human rights violations. This could be a hotline, online surveys, etc. This is important, inter alia, for assessing the effectiveness of the measures taken;
- in case of human rights violations by a potential or actual partner, it is essential to plan the continuation and development of the partnership, taking into consideration the adoption of measures to prevent or mitigate adverse human rights impacts from such violations. Demand from the partner a concrete plan to prevent human rights violations and restore victim's rights;
- in any case, during the entire time when a violation occurs, the company that maintains business relations with the partner-abuser must demonstrate its own efforts to mitigate adverse human rights impacts and be prepared for any consequences for itself - reputational, financial, legal.

Public reporting on the measures taken.

In your non-financial reporting, it is important to reflect the facts of human rights abuses by a partner, the measures taken to overcome such risks and demand the same from your partners. It is needed to ensure that these reports are made aware of partner workers, customers and the local community.

4.2. Recommendations for state bodies on compliance with Belaru's obligations in the field of ensuring the conditions for the respect of human rights by business enterprises

Compared to the recommendations for business, recommendations for state bodies are basic and general in nature. This is due to their extremely low involvement in modern trends in the field of business and human rights, the lack of trained personnel and institutions, the existence of a sustainable practice of using influence on business for their political purposes.

State officials need to know and understand that **economic development and social stability are naturally based on respect for human rights**.

The state should fundamentally abandon the practice of using business (regardless of the form of ownership) as an instrument of pressure on people that violates human rights. It is also important to remind state bodies that ensuring mechanisms to protect human rights from violations by third parties, including business, is one of the tasks of the state and its direct legal obligation arising from international treaties in the field of human rights. Such mechanisms are a necessary element of a favorable business environment, as they reduce the risks for companies of being involved in human rights abuses.

In this regard, the state should **at least** take the following measures:

- to ensure that the state apparatus has the necessary personnel with sufficient qualifications in human rights issues;
- to harmonize legislation, primarily on labor, in line with the international obligations, including within the framework of the ILO, in order to ensure both the full right to work and the necessary guarantees for the respect of other rights, both social, civil and political;
- to abandon discriminatory practices in relation to the activities of trade unions and amend the legislation accordingly;
- to abandon the practice of using companies and their work communities or collectives in political processes unusual for them: participation in the organization of elections, nomination of candidates, formation of election commissions, nomination of observers; to amend the legislation accordingly;
- to ensure the possibility of protecting and restoring violated rights, both by individuals and legal entities, through effective mechanisms, primarily in a truly independent court.

I ANNEX

General pressure on business during the 2020 presidential elections and the post-election period in Belarus as the tool of influence: a brief overview

The situation in Belarus has polarized the society into two camps. Business, as a part of the society, in fact, was also divided: those who opposed illegal actions of the authorities (at least did not justify and did not support such actions) and those who actively supported them, expressing loyalty to the authorities, including violating (due to its own initiative and due to the instructions from the state) human rights.

It can be noted that there is also a third group - companies that did not participate in either one or the other - they did not abuse human rights, but did not openly criticize or condemn the actions of the State authorities. At the same time, the «neutral» position of business in this case is more likely not a conscious strong civil position, but the result of unwillingness to have problems, because examples of the State attitude towards «opposing» or «wrong» business which fully or partially refuses to be an instrument of political pressure are too obvious and indicative.

To the business enterprises that expressed or otherwise showed its position condemning the illegal actions of the authorities, and/or which refused to participate in human rights violations, and/or which provided all possible assistance to the affected people, and in some way were fulfilling the functions of the state, were used two main instruments of pressure:

- repressions against the business itself (unreasonable checks, searches in offices, blocking of accounts, obstruction of activities up to the suspension or prohibition of activities);
- repressions against business enterprise's leaders and/or other employees of such a business (arrests, detention, administrative arrests, criminal cases).

The formal excuse was various accusations - from financing protests to economic crimes, most often related to tax evasion.

Pressure on businesses that, according to the authorities, actively «invested» in the protest and / or were affiliated with presidential candidates.

Pressure on business (which, in principle, is not new for Belarus) in 2020-2021 differed both quantitatively and qualitatively. Unprecedented in scale peaceful protests, unprecedented repression and legal default as a response to public protest,

consolidation of the society and moral and ethical choices that faced, among other things, many business owners, - it is all «included» business in the processes of civil consolidation and empathy. Therefore, the first and the main «attack» fell on the business, which, from the point of view of the authorities, «invested» in the protest (sale of Belarusian national symbols¹⁴⁵, flowers for chains of solidarity¹⁴⁶, the work of crowdfunding platforms¹⁴⁷, etc.).

Particularly indicative is the repression of a business that is ready to help people who decided to resign from the law enforcement officials in connection with the events of August 2020. After the start of the protests, the co-owner of a large IT company PandaDoc¹⁴⁸ Mikita Mikado announced that he was ready to financially help law enforcement officials who decide to leave the service in connection with the August events, so as not to carry out criminal orders. By the end of August, the company had received more than 400 applications from the resigned security officials. However, soon four top managers of PandaDoc were arrested and a theft case was opened against them¹⁴⁹. Mikita Mikado announced the withdrawal of his proposal to ensure the safety of his employees in Minsk. The last of the arrested top managers was released only a year later - in August 2021, the company was forced to close its office in Belarus.

Even at the stage of collecting signatures for the registration of presidential candidates, in June 2020, the Financial Investigation Department initiated a criminal case for non-payment of taxes on an especially large scale against the current and former employees of Belgazprombank. The bank itself was searched¹⁵⁰. Before running for president, Viktor Babariko was the chairman of the board of this bank.

Pressure on business enterprises that supported the «nationwide strike»

The business that supported the so-called «nationwide strike», which was scheduled to begin on October 26, 2020 suffered as well. Many businesses did not work that day out of solidarity. According to the head of the Public Association «Perspektiva» (the trade union of Belarusian entrepreneurs)¹⁵¹, the next day, the administration

¹⁴⁵ The store of goods with national symbols (white-red-white flag and the emblem «Pogonya») Symbal.by was forced to close due to the pressure on it from the beginning of the election campaign (goods were seized, checks came, employees were detained, as well as people standing in queue to the store). The store owner became a member of the Coordination Council, was detained: <https://officelife.media/news/24449-magazin-symbal-by-okonchatelno-zakryvaetsya-/>

¹⁴⁶ The owner of the flower shop Maksim Khoroshin, who handed out flowers for free to women standing in chains of solidarity, was detained and severely beaten by law enforcement officers in October 2020, the store was searched. The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

¹⁴⁷ In June 2020, the accounts of the «Hive Project» company, which deals with the very popular and successful Belarusian crowdfunding platforms Mola Mola and Uley, were blocked. The founder of the platforms is Eduard Babariko (son of Viktor Babariko, a presidential candidate), who, like his father, was arrested and has been in prison for a year: The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

¹⁴⁸ As of September 2021, it was valued at \$ 1 billion and became the first Belarusian unicorn.

¹⁴⁹ https://www.rbc.ru/technology_and_media/05/09/2020/5f535f629a7947ef79490905.

¹⁵⁰ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

¹⁵¹ It was liquidated by a court decision in September 2021 in the course of pressure on civil society organizations.

of the shopping centers immediately submitted to the authorities a list of all entrepreneurs who did not work that day. Many of these businesses started having problems (checks, etc.)¹⁵².

Pressure on the business enterprises due to the active position of leaders / managers

In February 2021, the founder of the «RAPA» investment group of companies, which owns the Green hypermarket chain, the Skala shopping center in Minsk and other businesses, was detained. At the same time, a couple of days before the event, A. Lukashenko publicly announced that, on his behalf, one trading company was being «cut out» because it allegedly refused to accept Belarusian goods for sale. According to information from unofficial sources, as reported by the media, the detention was related to the active civil position of the company's managers¹⁵³. After 4 months, the businessman was released from the pre-trial detention center, but it has been immediately became known that his company is now the general sponsor of the hockey club «Dynamo»¹⁵⁴ (which at that time was headed by a businessman close to A. Lukashenko, who subsequently fell under the sanctions of the International Ice Hockey Federation).

In April 2021, the State Holding «Horizont» terminated the lease agreement with the Imaguru Startup Hub unilaterally without providing any reasons. The Startup Hub was forced to close and later move to another jurisdiction. At the same time, this premise has been leased to a startup hub since 2013. As Tatiana Marynich, CEO of Imaguru, said, «Horizon» referred to an order from above. At the same time, it is important to note that Imaguru has paid the state holding about \$ 1.5 million in rent and invested in the renovation of more than 2000 sq. m of premises unsuitable for office activities in a building that until 2013 was in disrepair, being owned by the state business. Tatiana Marynich is a member of the Coordination Council, and in August 2020 she wrote an open letter to Belarusian officials¹⁵⁵.

In June 2021, the security forces came with searches at the «21 Vek» company (one of the largest Belarusian e-commerce sites), the «Yurkas» (door manufacturing), and the «Modum» (Belarusian cosmetics manufacturer). These are large companies that have existed on the Belarusian market for decades¹⁵⁶.

¹⁵² The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

¹⁵³ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

¹⁵⁴ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

¹⁵⁵ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

¹⁵⁶ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities

Pressure on business enterprises to exercise the right to access information and freedom of expression

It is also essential to focus on the harsh repression of business related to the exercise of the right to access information. First of all, this is a non-state media business - independent media. The role of independent Belarusian media in social and political processes can hardly be overestimated in the context of the absolute lack of transparency in the actions of the authorities, access to reliable information important to society during the Covid-19 pandemic and the political crisis of 2020-2021, as well as in the conditions of using state media as a propaganda tool. In the context of human rights, the work of independent media primarily helps to exercise the right of people to access reliable information, which is especially vital in emergency situations.

According to the independent NGO «Belarusian Association of Journalists», from August 2020 to August 2021: detentions of journalists - 497, facts of violence and injuries of journalists - 68, administrative arrests of journalists - 119, currently in captivity - 29 media representatives, representatives of media under criminal prosecution - more than 50 people, searches and examinations of journalists and editorial offices - 135, publications forced to stop publishing - 10.¹⁵⁷

One of the most revealing cases is the case of the LLC «TUT BY MEDIA», which owns TUT.BY, the largest non-state Belarusian media outlet that has been existing on the Belarusian media market for over 20 years and enjoyed great trust among the population. According to the international research company Gemius, as of January 2021, the TUT.BY website was the most visited website in Belarus with an audience of more than 3 million users per day (based on the population of Belarus, this is almost every third resident of the country). In May 2020, against the background of news about the beginning of the presidential campaign and the persecution of opposition candidates, TUT.BY had 176 million visits per month. The resource was the main platform for online advertising.

In May 2021, the search was taken place at the TUT.BY office, access to the website was blocked, and about 20 employees were detained. To date, 15 people are under arrest in this case. A criminal case was initiated against them on tax evasion (some were charged with complicity in tax evasion). Due to blocked accounts, the company was forced to lay off almost 250 employees. It is also difficult to return money to advertisers¹⁵⁸. In August 2021, TUT.BY and its analogues in social networks and instant messengers were recognized by the court as extremist at the request of the Ministry of Internal Affairs «for inciting social hostility or hatred, organizing and carrying out mass riots.¹⁵⁹»

¹⁵⁷ The source is not cited due to the recognition (or high risk of recognition) of the information resource as an extremist by the authorities.

¹⁵⁸ <https://www.bbc.com/russian/features-57429980>, <https://people.onliner.by/2021/06/17/delo-tut-by-chno-izvestno-nadannyj-moment>

¹⁵⁹ <https://www.dw.com/ru/sud-v-minske-priznal-jekstremistskimi-izdanija-tutby-i-zerkaloio/a-58856506>

On the same day, within the framework of the TUT.BY case, the company Hoster.by (the largest hosting provider in Belarus)¹⁶⁰ was searched and its director Sergei Povalishev was detained and placed in the KGB pre-trial detention center¹⁶¹. He was released only in September 2021.

In July 2021, the oldest newspaper in Belarus, «Nasha Niva», was repressed as well¹⁶². Also, since September 2020, A. Vasilevich, a well-known Belarusian businessman in the field of advertising and media, has been in custody, the accounts of the Mint Media company, of which he is one of the founders, have been blocked, and access to two online magazines published by the company has been blocked. (The Village and Kyky.org)¹⁶³.

At the same time, over the past year, the information policy of the authorities resulted in the approach that now the reason for the closure of non-state media may not be only the active broadcast of opposing views, but also incorrect, from the point of view of the state, coverage of certain aspects of an event.

On September 28, 2021, a tragedy occurred in Minsk. In a shootout in the apartment of Andrei Zeltser from Minsk, a KGB officer was killed (the owner of the apartment shot at him), and Zeltser himself (from returned fire). The publication «Komsomolskaya Pravda in Belarus» published an article about the incident, in which it quoted the words of Andrei Zeltser's classmate that he was a positive and truthful person. The next day after the publication, the website of the publication was blocked by the Ministry of Information of Belarus. A few days later, the journalist who wrote this article was detained. He is still in the IVS¹⁶⁴.

Let us recall that in accordance with the official interpretation of freedom of expression (part of which is the right to access information), enshrined in the 1966 Covenant on Civil and Political Rights (Belarus is a party since 1976):

- imposing penalties for media, publishers, or journalists solely for criticizing the government or the socio-political system that the government adheres to, can under no circumstances be considered as a necessary restriction of the right to freedom of expression;

¹⁶⁰ Serves over 60% of all Belarusian sites, technical administrator of Belarusian domains by / bel.

¹⁶¹ <https://www.currenttime.tv/a/hosterby-money/31276357.html>

¹⁶² The website of the publication was blocked, 4 employees were detained (1 of them was released after 72 hours), but three (including the editor-in-chief) are in custody: <https://www.bbc.com/russian/news-57763754>

¹⁶³ <https://www.dv.ee/jepicentr/2021/06/02/vesti-biznes-v-belarusi-znachit-riskovat-svoimi-sotrudnikami-ljuboj-mozhet-stat-zalozhnikom>

¹⁶⁴ <https://meduza.io/feature/2021/10/02/sayt-komsomolskoy-pravdy-v-belarusi-zablokirovali-iz-za-stati-ob-obvinyayemom-v-ubiystve-sotrudnika-kgb-avtor-materiala-nahoditsya-v-izolyatore-na-okrestina>; <https://www.bbc.com/russian/news-58772815>

- permissible restrictions on the operation of sites and any other systems for the distribution of electronic and other information based on Internet technologies, or systems that provide access to the network, should be based mainly on the content of specific materials. General prohibitions on the functioning of such systems are unacceptable¹⁶⁵.

In addition to the violation of the right of people to access information and freedom of expression, it should be noted that such actions of the state in relation to the media business have critically changed the advertising market.

«The tip of the iceberg»

It is important to understand that the presented review of pressure on business is a description of cases of large and public business that were made public and discussed in the media. Government's pressure on business is in fact extremely latent and affects businesses of all industries and sizes. Many business owners simply do not want to openly (and, moreover, publicly) talk about pressure because of the fear of additional persecution, therefore, the entire scale of business repression in connection with the events of 2020-2021 is impossible to determine.

At the same time, it is obvious that the main reason for the pressure is the disloyalty of the existing government and any attempt by business enterprises to influence social changes and development in a vector that does not intersect with the «official» one (although formal reasons often lie in the economic dimension (taxes, etc.)). The authorities do not take into account either the contribution that this or that business really makes to the development of the economy and society, or the amount of taxes paid to the budget, or anything else. The coordinate system is completely «black and white»: «you are with us or you are against us.»

¹⁶⁵ <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsrdB0H1l59790VGGB%2b-WPAXiks7ivEzdmLQdosDnCG8FaGzYH6OnzWb2RXT7yJopp6wnueK3xDlZpJtsnQ4NnehKxA27tv6yxSEu56OqU0tVD> (n.42, 43).

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АНАЛИТИЧЕСКИЙ ОБЗОР