STUDY

Requested by the DROI committee

European Parliament

Human rights in Belarus: The EU's role since 2016

Policy Department for External Relations
Directorate General for External Policies of the Union
PE 603.870- June 2018

EN

DIRECTORATE-GENERAL FOR EXTERNAL POLICIES
POLICY DEPARTMENT

European Parliament

STUDY

Human rights in Belarus: The EU's role since 2016

ABSTRACT

This study provides an overview of the European Union's contribution to promoting and protecting human rights in Belarus since 2016. This analysis presents the main human rights trends in Belarus, examining legislation, policy commitments and violations of human rights. While the Belarusian government has made nominal concessions towards the EU, no systemic progress in terms of human rights has been made in the post-2016 period. The study also describes and assesses the EU's human rights promotion activities in bilateral EU-Belarus relations, within the context of the Eastern Partnership multilateral dimension and in regard to financial assistance. Although the EU has expanded the range of its political dialogue with Belarus since 2016, it has had very little influence over the human rights situation in the country. The EU's impact has been limited not just because of the very nature of the Belarusian regime. EU institutions and member states have increasingly prioritised geopolitical interests as well as the stability and resilience of Belarus over human rights concerns. The EU should increase efforts to mainstream human rights in all aspects of its relations with Belarus and find a better balance between 'normalisation' and 'conditionality' based policy approaches vis-à-vis the country.

EP/EXPO/B/COMMITTEE/FWC/2013-08/Lot8/18
June 2018 - PE 603.870

EN

© European Union, 2018

This paper was requested by the European Parliament's Subcommittee on Human Rights (DROI)

English-language manuscript was completed on 05 June 2018.

Printed in Belgium.

Authors: Giselle BOSSE, Associate Professor, Maastricht University (The Netherlands), Alena VIEIRA, Professor, University of Minho (Portugal).

Coordinator: Trans European Policy Studies Association (TEPSA), Belgium

Official Responsible: Marika LERCH

Editorial Assistant: Daniela ADORNA DIAZ

Feedback of all kind is welcome. Please write to: marika.lerch@europarl.europa.eu.

To obtain copies, please send a request to: poldep-expo@europarl.europa.eu

This paper will be published on the European Parliament's online database, 'Think tank'.

The content of this document is the sole responsibility of the author and any opinions expressed therein do not necessarily represent the official position of the European Parliament. It is addressed to the Members and staff of the EP for their parliamentary work. Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the European Parliament is given prior notice and sent a copy.

ISBN: 978-92-846-2979-4 (pdf)

doi:10.2861/13591 (pdf)

Catalogue number: QA-01-18-560-EN-N (PDF)

ISBN: 978-92-846-2978-7 (paper)

doi:10.2861/329240 (paper)

Catalogue number: QA-01-18-560-EN-C (paper)

Contents

List of Abbreviations 5

Executive Summary 7

1 Introduction 8

2 The human rights situation in Belarus since 2016 9
- 2.1 Political prisoners and human rights defenders 11
- 2.2 Freedom of Assembly 13
- 2.3 Freedom of Expression 15
- 2.4 Freedom of Association 16
- 2.5 Death penalty 17

3 Overview of EU-Belarus relations before 2016 18

4 Description and assessment of EU human rights activities since 2016 19
- 4.1 Human rights in the context of EU-Belarus bilateral relations 20
  - 4.1.1 EU - Belarus Coordination Group 20
  - 4.1.2 Informal 'Roadmap for Normalisation' 21
  - 4.1.3 EU-Belarus Human Rights Dialogue 22
  - 4.1.4 Other bilateral initiatives and sectoral dialogues 23
  - 4.1.5 Restrictive measures 24
- 4.2 Human rights in the context of the EaP multilateral dimension 24
  - 4.2.1 EaP Summits, ministerial meetings and thematic platforms 25
  - 4.2.2 Euronest Parliamentary Assembly 26
  - 4.2.3 Civil Society Forum 26
- 4.3 Financial and technical assistance 27
  - 4.3.1 ENI bilateral and multilateral financial assistance 27
  - 4.3.2 The European Instrument for Democracy and Human Rights (EIDHR) 28
  - 4.3.3 The European Endowment for Democracy (EED) 29

5 Assessment of EU policy: Impact and constraints 29
- 5.1 Enabling factors on the EU's influence 30

5.2 Constraining factors on the EU's influence 30
6 Conclusion 32
7 Policy Recommendations 34
Annex 37
1 Human rights violations in Belarus: January 2016 – February 2018 37
2 Death Penalties 2015-2018 38
3 ECJ rulings on restrictive measures against Belarus 39
4 ENPI/ENI Budget Commitments 2009-2016 40
5 Key EP Activities in Support of Human Rights (2016-2018) 41
Bibliography 43

List of Abbreviations

BITU	Belarusian Independent Trade Union
BNP	Belarusian National Platform
CSF	Eastern Partnership Civil Society Facility
CSO	Civil Society Organisation
EaP	Eastern Partnership
EEAS	European External Action Service
EAEU	Eurasian Economic Union
EHU	European Humanities University
EIDHR	European Instrument for Democracy and Human Rights
EP	European Parliament
EPP	European People's Party
EU	European Union
EUR	Euro
ENPI	European Neighbourhood and Partnership Instrument
ENI	European Neighbourhood Instrument
FTS	Financial Transparency System
IMF	International Monetary Fund
MEP	Member of the European Parliament
MP	Mobility Partnership
NGO	Non-Governmental Organisation
NIESPI	Independent Institute of Socio-Economic and Political Studies
ODIHR	OSCE Office for Democratic Institutions and Human Rights
OMON	Belarusian Special Purpose Police Unit
OSCE	Organisation for Security and Cooperation in Europe
PCA	Partnership and Cooperation Agreement
PSE	Political and Security Committee

REPAM	Radio and Electronic Industry Workers' Union
TCF	Technical Cooperation Facility
TEN-T	Trans-European Transport Networks
UN	United Nations
UN HRC	United Nations Human Rights Council
UNICEF	United Nations Children's Fund
USD	US Dollar
WECF	Women Engage for a Common Future
WTO	World Trade Organisation

Executive Summary

The human rights situation in Belarus remains critical. While the government has taken certain positive steps towards improvement of the political climate in Belarus since 2016, including the authorities' greater openness towards dialogue with civil society as well as international actors, no systemic reform has taken place. Politically motivated imprisonment continues to be used by the authorities, albeit to a lesser extent than before, while the number of administrative detentions and excessively high fines has increased significantly. Belarus has continued to use the death penalty; for instance, 2016 saw the highest number of reported executions since 2008. Human rights continue to be violated, including restrictions on the freedom of assembly, freedom of association and freedom of the media. The authorities have systematically resorted to repression and intimidation directed at independent journalists, opposition members and human rights defenders, whose political activity in Belarus is continually associated with high risk to lives and freedom, especially with regard to the 2016 parliamentary elections and peaceful protests in February and March 2017 against the so-called 'parasite law' (Presidential Decree No 3). The events of February and March 2017, including a brutal dispersal of a peaceful demonstration in Minsk on 25 March 2017 with hundreds sentenced to administrative detention and heavy fines, led to a rapid deterioration of the human rights situation in Belarus.

Despite political declarations emphasising the importance of shared values in European Union (EU)-Belarus relations, the External Action Service (EEAS), the European Commission and EU member states have taken a less principled stance towards Belarus in practice. Political dialogues with the country have increased in quantity and (partly) in quality since 2016. For the first time, civil society is being allowed to participate in some of the bilateral dialogues, including the EU-Belarus Coordination Group. However, sectoral dialogues are often intentionally decoupled from discussions on human rights. Civil society is not allowed to take part in substantive negotiations of the sectoral dialogues and human rights are always discussed behind closed doors, with several renowned human rights groups having been denied access to the meetings. The EU-Belarus Human Rights Dialogues have continued throughout 2016 and 2017 but Civil Society Organisation (CSO) activists point out that there are no signs of the Belarusian authorities intending to consider seriously any recommendations, especially those regarding civil and political rights. However, the recently concluded Mobility Partnership might lead to a more systematic engagement with Minsk on human rights in the context of its migration policy. CSOs are concerned that the partnership is focused mainly on security issues (for instance, cooperation in border control and illegal migration), rather than mobility or the promotion of human rights. EU activities in the context of the Eastern Partnership (EaP) multilateral dimension have involved some human rights promotion, predominantly through the Euronest Parliamentary Assembly and the Civil Society Forum (CSF). While EU financial assistance to Belarus does support human rights promotion, direct funding of local CSOs is still limited.

Lukashenka's concessions towards the EU (for example, the release of political prisoners and Human Rights Dialogue) have largely been motivated by external geopolitical developments (the Ukraine war and an increasingly assertive Russian Federation) rather than EU policy. The Belarusian government remains unprepared to consider genuine democratisation, which is seen as directly jeopardising domestic stability and the regime's very foundation. There are also institutional limits to EU human rights' promotion. The informal and often *ad hoc* character of EU-Belarus relations greatly restricts the EU's policy toolbox. Moreover, despite political declarations emphasising the importance of shared values in EU-Belarus relations, the EEAS, the Commission and EU member states have clearly changed their attitude towards Belarus since 2014. Fostering 'state and societal resilience' in the country has become a new mantra in the European neighbourhood policy, which increasingly overrides concerns about human rights violations.

1 Introduction

Relations between the EU and the Republic of Belarus have always been difficult and have developed at a much slower pace than those between the EU and other Eastern Partnership (EaP) countries.[1] In response to the unconstitutional referendum in 1996 and excessive repression against the political opposition together with human rights violations, the EU suspended ratification of the Partnership and Cooperation Agreement (PCA) in 1997, froze the Interim Trade Agreement and restricted contact with Belarus to below ministerial level. Because of its staunch resistance to any form of democratisation, Lukashenka's Belarus has been labelled 'the last dictatorship in Europe'.

The annexation of Crimea and the 2014 war in Eastern Ukraine have radically altered the geopolitical and security environment for EaP countries in the region. This has led the EU and Belarus to revise their foreign policies, including relations with each other. For its part, Belarus has sought a balance between the Russian Federation (hereafter Russia) and the 'West', positioning itself as a neutral country. EU institutions and member states on the other hand have also changed their attitude towards Belarus since 2014. Despite political declarations emphasising the importance of shared values in EU-Belarus relations, fostering 'state and societal resilience' to the East and South has become a new mantra in EU foreign policy and the EaP (European Union, 2016). As a result, EU institutions and most member states no longer view Belarus exclusively as the 'last dictatorship in Europe' but increasingly rather as the only EaP country that is still in full control of its territory (Melyantsou, 2017a). In February 2016, the Council of the European Union decided to lift most of the EU's restrictive measures against Belarus, *inter alia* in response to the Belarusian government's release of political prisoners.

Nevertheless, the human rights situation in Belarus remains critical and a serious cause for concern. While certain improvement in the Belarusian political climate can be discerned, no systemic reform progress has been made. On the contrary, 2017 marked a return to repression against participants in peaceful protests, journalists, human rights defenders and political opponents. There continue to be political prisoners in Belarus, while administrative detentions and excessively high fines have increased significantly.

This study focuses on assessing the EU's human rights activities in Belarus since 2016. Its main objectives are to (i) present the main human rights trends in Belarus, including legislation, policy commitments and violations; (ii) describe and assess the EU's human rights promotion activities in Belarus and (iii) evaluate the EU's impact on the human rights situation and identify key enabling and constraining factors on the EU's influence. The analysis centres on developments between January 2016 and January 2018, though it also considers the years preceding 2016 in order to provide a sufficiently comprehensive picture.

Following the introduction, chapter two contains an overview and assessment of main human rights trends in Belarus since 2016, including legislation, policy commitments and violations, with a specific focus on the death penalty as well as the position and working environment of human rights defenders, opposition and civil society organisations (CSOs). Chapter three provides a brief review of EU-Belarus relations before 2016, highlighting the various turning points in EU-Belarus relations during the past decades as well as events preceding the Council's decision to lift most restrictive measures against Belarus in February 2016.

Chapter four presents an overview and assessment of the EU's policy actions in its relations with Belarus since 2016 regarding human rights protection and promotion. This chapter analyses direct and indirect policy tools used both in bilateral EU-Belarus relations and in the context of the EaP multilateral dimension. Additionally, the chapter provides an overview of EU financial assistance instruments and evaluates the extent to which they have been geared towards human rights promotion and benefited Belarusian CSOs.

[1] Eastern Partnership countries are Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine.

This chapter is also dedicated to analysing the role that EU policies play in influencing the human rights situation in Belarus, thus assessing the EU's influence in terms of enabling and constraining factors.

In chapter five the study concludes that while the Belarusian government has made nominal concessions towards the EU, there has not been any systemic progress in terms of human rights in the post-2016 period. The EU has expanded its range and scope of political dialogue with Belarus since 2016, but has had very little influence over the human rights situation in the country. The EU's impact is limited not only because of the very nature of the Belarusian regime. EU institutions and member states have increasingly prioritised geopolitical interests as well as the stability and resilience of Belarus over human rights concerns. The study recommends in chapter six that the EU should increase efforts to mainstream human rights in all aspects of its relations with Belarus and find a better balance between 'normalisation' and 'conditionality' based policy approaches vis-à-vis the country. Also included is an Annex, which contains charts visualising human rights violations in Belarus between January 2016 and February 2018 along a timeline (Annex 1), a table listing the number of death penalties imposed and carried out since 2016 (Annex 2), graphical illustrations of EU budgetary commitments to recipients in Belarus 2009 – 2016 (Annex 3 and 4) and an overview describing major EP activities addressing human rights issues (Annex 5).

In terms of methodology, the study is based on a combination of approaches. An overview of the human rights situation in Belarus is compiled from data obtained through anonymous interviews with human rights activists and CSOs working on human rights in the country, as well as secondary sources, such as academic articles and reports published by international and non-governmental organisations (NGOs). The analysis of EU policy activities is based on identification of various EU official declarations, dialogue forums and exchanges not only at bilateral level, but also in the context of the EaP multilateral dimension. So as to assess their relevance for human rights promotion and protection, the EU's policy actions are evaluated in terms of their human rights related content, goals and operationalisation in practice. Data concerning this final criterion has been obtained from anonymous interviews with officials based in the EEAS, the European Commission (hereafter Commission), the EU Delegation in Minsk as well as member state embassies in Minsk and Kiev, together with Permanent Representations in Brussels. [2]

Belarusian names mentioned in the study are converted into English using a transliteration system developed by the United Nations (UN) and Belarus.[3] However, custom transliterations of officially accepted and widely used names and titles (for example, Vyasna) have been maintained. Belarusian names and titles have not been transliterated into Belarusian when they were quoted in (or feature as authors of) English-language publications.

The authors would like to express their special thanks to Moritz Höpner, who has assisted this project with background research.

2 The human rights situation in Belarus since 2016

While the government has taken certain positive steps to improve the political climate in Belarus, including the authorities' greater openness towards dialogue with civil society as well as international actors, there has been no actual systemic reform. The 2016 parliamentary and 2018 local elections have demonstrated that there has been no improvement in electoral legislation or process, having failed to meet the international standards of free and fair elections. In particular, the 2018 local elections once again displayed a number of shortcomings including the issues of transparency of the vote count, of the formation of electoral

[2] 37 semi-structured interviews were conducted between January 2015 and April 2018, of which 22 were conducted specifically for this study. 15 interviews were made in the context of the authors' previous research. In addition, some data from interviews conducted before 2015 (also made in the context of the authors' previous research) is also included in this study.

[3] See: http://belarusjournal.com/sites/default/files/The%20Roman%20alphabet%20transliteration.pdf

commissions, as well as of the unequal access of the candidates to the media and early voting. The authorities therefore failed to follow the course initiated in 2016 for improving the electoral process according to OSCE ODIHR recommendations (HR Defenders for Free Elections 2018). This is also in spite of certain positive steps having been taken by the authorities, such as the creation of an Interagency Working Group by the Central Election Commission in February 2016, which was set up to consider prior OSCE ODIHR recommendations to improve the electoral process. Accordingly, the EU declared that it expected from the authorities 'serious and comprehensive reform of the election law and processes', capable of creating a level playing field for the next elections, as something that would correspond to 'an additional step towards reaching the full potential of EU-Belarus relations' (EEAS, 2018a).

Implementation of Belarus' obligations to the UN is also examined as part of the Universal Periodic Review process, a HRC mechanism for periodic assessment of the human rights situation in UN member states. On 4 May 2015, the situation is Belarus was considered as part of the second cycle of the UN universal periodic review. On 24 October 2016, the Belarusian Council of Ministers approved the Human Rights Plan, a document aimed at implementing the Universal Periodic Review recommendations accepted by Belarus. The subsequent consultations organised by the MFA have included human rights defenders, representatives of NGOs (including those unregistered, in their capacity as 'experts'), civil society and individual experts. Civil society experts noted the Plan's vague formulation, with roadmaps and indicators missing, even though interaction was reported to have taken place between the authorities and NGOs on issues such as gender, the rights of persons with disabilities, or AIDS (HRH, 2017c).

To date progress has been slow: Since 2016, no legislative action has been initiated to improve the situation of human rights, contrary to Belarus commitments within the framework of the UN Universal Periodic Review (UN HRC, 2017, p. 5). While new legislation has been adopted (for instance, a new anti-corruption law, which came into force in January 2016), in practical terms the political situation has improved very little. At the same time, restrictive legislative amendments were adopted, which allow for arbitrary prosecution of those voicing dissent. This was the case of amendments introducing new provisions on extremism to the Criminal Code as well as the Code of Administrative Offences in April 2016, including the 'creation of an extremist group' and 'financing the activities of an extremist group'.

The death penalty is still applied, despite HRC requests to halt executions, and an independent human rights institution has not been created. In November 2016, Belarus ratified the UN Convention on the Rights of Persons with Disabilities. However, disappointingly the government has continued its refusal to cooperate with the UN Special Rapporteur on Belarus, Miklós Haraszti, who was appointed in 2012.

There has been since 2016 a general tendency by the authorities to abstain from large-scale repressions on a regular basis but this has coexisted with excessively high fines levied against political activists, often to do with their participation in peaceful protests. In 2016, for instance, 484 fines were registered, representing a total of EUR 200,000, with an average of EUR 413 per fine, corresponding to more than one month's average salary in Belarus (UN HRC, 2017, p. 10). The authorities forcibly accomplished the payment of fines from political activist Nina Bahinskaja (aged 70), sentenced for waving a national flag on a square in May 2016, by seizing and auctioning her washing machine, microwave and summer house, in addition to taking deductions from her pension (UN HRC, 2017, p. 13). The tendency for excessive fines continued into 2017, with the authorities seizing not only the property of those involved in political activism, but also that of their relatives. This was the case with Juryj Hubarevič, Head of the 'For Freedom' movement: his property as well as the property of his wife was seized to settle the fines levied for his participation in the Kurapaty protests as well as 1 May peaceful opposition protests (Naviny, 2017b). The frequency and scale of excessive fines indicates that they have been used as yet another way of excluding unfavoured opponents from the country's political processes.

At the same time, human rights continue to be violated in Belarus by way of politically motivated imprisonment, restrictions on the freedom of assembly, freedom of association and freedom of the media. Authorities resort to political repression and intimidation directed at participants in peaceful street protests, independent journalists, opposition members and human rights defenders.

2.1 Political prisoners and human rights defenders

The presidential pardon and subsequent release of six political prisoners in 2015 raised expectations for long-awaited real improvement in Belarus' political situation. However, politically motivated imprisonment has regrettably continued to be used by the authorities. Two especially alarming instances of this involved Dzmitry Palijenka, who has been declared a prisoner of conscience by Amnesty International and human rights defender Michail Žamčužny. On 7 April 2017, the Zavodski District Court in Minsk changed Palijenka's conditional sentence to two years' imprisonment. Palijenka received the original sentence in 2016 for allegedly assaulting a police officer during a peaceful protest of cyclists in Minsk during April 2016. Michail Žamčužny, the founder of human rights NGO 'Platform Innovation', engaged in monitoring the conditions of inmates held in Belarusian jails, was sentenced to 6 years' imprisonment in July 2015 on spurious charges (extended by another six months in October the same year).

Both Palijenka and Žamčužny have been harassed by prison authorities. Symptomatic of this was the declaration within which Žamčužny, fearing for his life, stated in writing that he would under no circumstances commit suicide in prison (Vyasna, 2017a). On January 24, 2018, Žamčužny was physically attacked in prison by a person wearing sunglasses, black gloves and a knitted cap, when he was left unescorted in a corridor of a medical unit. Žamčužny stated that this was the third attempt to attack him, indicating that the safety of political prisoners is by no means guaranteed. Moreover, political prisoners' situation is exacerbated by independent investigators being barred from access to the penitentiary system. In March 2018, Amnesty International announced urgent action in support of Palijenka, while noting that he 'is being exposed to conditions that exacerbate his asthma and denied medical treatment for an untreated wound' (AI, 2018).

Between July 2017 and February 2018, Žamčužny received 18 penalties (Vyasna, 2018), against all of which his subsequent appeals were rejected. He had previously reported denial of access to necessary medical care and interference with his filing of an appeal against his sentence. In this regard, both human rights defenders and the UN Special Rapporteur on the situation of human rights in Belarus have noted that resorting to article 411 of the Criminal Code (disobeying the administration of a correctional institution) has been used by prison authorities as an instrument of harassment; this ultimately allows extension of sentences indefinitely, as 'another way to silence opponents and activists by charging them on behavioural transgressions that no oversight can objectively assess' (UN HRC, 2017, p.11).

Furthermore, released political prisoners have not had their civil and political rights reinstated. They are, therefore, excluded from a range of political processes, including participation in elections.

Human rights activism continues to be forced outside the formal legal context, to the extent that the authorities refuse to register related NGOs and as a result simply speaking on behalf of the latter can lead to charges (Article 193-1 Criminal Code). Arbitrary detentions, carried out with excessive violence, have been practised against human rights defenders, along with searches of human rights NGOs' premises and the seizing of equipment as well as personal apartments. Human rights defence, along with independent journalism and political activism, remain associated with high and constant risks for the lives and freedom of the activists involved.

Selected key cases and events reflecting the politically motivated prosecution of activists as well as human rights defenders are listed below:

- Human rights defenders were sentenced to fines and detentions for participating in the February and March protests of 2017 (see below). For instance, Alieh Voŭčak was sentenced on 4 July 2017 to pay a fine equivalent to EUR 260, despite contradictions in the accounts of the witnesses and his deteriorating health during the trial (he was eventually taken to hospital in an ambulance); Vyasna member Tacciana Reviaka was detained on 26 March 2017 while observing the rally and held at Minsk police station, where she was 'forced to stand facing the wall for two hours with her aims raised above her head' (UN HRC, 2017, p.13) before subsequently being released without charge; Paviel Lievinaŭ, board member of the Belarusian Helsinki Committee, was sentenced to 15 days of administrative detention.
- On 25 March 2017, 58 people, mostly human rights activists, were detained during a raid at the Minsk branch of the Human Rights Centre, Vyasna. One of the Vyasna members, Aliaksiej Lojka, had to be hospitalised for concussion sustained when he was thrown face down onto a concrete floor by the police.
- An action of peaceful protest (throwing a noose over a statue) by Viačaslaŭ Kasinieraŭ on March 12, 2017, led to charges of hooliganism (Art 339, Criminal Code); he was also taken into custody. Human rights defenders considered the charges to be politically motivated and recognised Kasinieraŭ as a political prisoner (Vyasna, 2017b; Joint Statement by the Belarusian Human Rights Organisations, 2017b). He was eventually punished with a fine equivalent to EUR 56.
- Blogger Eduard Paĺčys, arrested in Russia and extradited to Belarus in late May 2016, was detained for an overall 10 months in 2016 having criticised Russia's foreign policy. In August 2016, the Minsk Centraĺny District Court, relying exclusively on expert analysis, confirmed that nine articles on the 1863x website were 'extremist' in nature, eventually sentencing Eduard Paĺčys to 1 year and 9 months of 'restricted freedom'. The blogger was recognised as a political prisoner by human rights defenders (Joint Statement by Belarusian Human Rights Organisations 2016).
- Uladzimir Kondruś was taken into custody on 14 June 2016 for the alleged crime of rioting (Art. 239 of the Criminal Code) back in December 2010, when hundreds had been detained as a result of violent post-election protests in Minsk. On 26 December 2016, he was eventually sentenced to 18 months of 'restricted freedom' and ordered to undergo mandatory psychiatric treatment after trying to slit his wrists during the first day of trial on 16 November.
- Aliaksandr Lapicki, aged 81, was forced to undergo medical treatment in a psychiatric hospital where he eventually stayed for more than five months, having been found guilty of insulting the President of Belarus and two judges in April 2016. On 24 March 2017, the compulsory treatment was replaced by community-based care under the supervision of a psychiatrist.
- Aliena Tankačova (human rights activist, a Russian citizen) expelled from Belarus in February 2015 after having been charged with driving above speed limit, was banned from entering the country. Her various appeals to reduce the term were rejected and she eventually managed to return to Belarus only in February 2018, after the end of her imposed three-year entry ban.
- No progress has yet been made on solving cases involving the disappearances of political opponents in 1999 and 2000 (opposition politician Viktar Hančar, business man Anatoĺ Krasoŭski, former minister of the interior Juryj Zacharanka and cameraman Dzmitry Zavadski).
- Even though suspended, criminal cases continue against Aliaksandr Aliesin, prominent journalist and military affairs expert, charged in December 2014 with 'establishment of cooperation with foreign intelligence agencies' and Alieś Michalievič, former presidential candidate, charged with organising 'mass disorders' dating back to December 2010 (Vyasna, 2016b, c).

2.2 Freedom of Assembly

Between mid-2015 and the spring of 2017, the authorities generally abstained from violently dispersing unsanctioned assemblies and detaining participants of peaceful protests; instead activists were sentenced to fines and shorter terms of administrative detention. There were instances of excessive and unjustified law enforcement violence, as witnessed with the dispersal of an event organised by the 'Critical Mass' cycling movement in April 2016. This led to detention with excessive violence of six people, who eventually faced administrative charges of disorderly conduct and traffic regulation violations; in the cases of Stanislaŭ Kanavalaŭ and Dzmitry Palijenka they were charged with resisting the police. However, the general tendency of the Belarusian authorities during this period was to abstain from repressions on a regular basis, something noted by several international and domestic human rights organisations as well as the UN Rapporteur on the situation of human rights in Belarus. At the same time, excessively high fines were levied against the participants of peaceful protests, a tendency that became especially notorious in the context of parliamentary elections during September 2016. To collect fines, the authorities have increasingly resorted to arrests and confiscation of political opponents' property.

In March 2017, the authorities returned to large-scale repression, eventually targeting 900 people, who were subjected to various forms of repressive action. Those involved included political figures, human rights activists and journalists. In all 177 people were charged with bogus offences and sentenced to fines or detention for up to 25 days. The high numbers of arrests, arbitrary detention and incidents of harassment reflected the Belarusian authorities' reaction to street protests; these were initially held in Minsk but spread to other cities during February and March of 2017. The rallies were triggered by the so-called 'parasite law', Presidential Decree No 3, adopted in 2015 and aimed at introducing a 'social dependency tax' on those officially unemployed for six months, equivalent to EUR 213. About 470,000 people received notification from the Belarusian tax authorities indicating that they must contribute to government expenditures. Public discontent led to a rapidly increasing number of peaceful protests, which reached their highest point on the traditional 'Freedom Day', March 25, an unofficial holiday to commemorate proclamation of the Belarusian People's Republic in 1918. The rally in Minsk held in a non-authorised location was brutally dispersed, leading to mass detentions of participants, journalists and elderly bystanders.

According to the UN Special Rapporteur on the situation of human rights in Belarus, the authorities 'prefabricated the illegality of the demonstrations' by deliberately sabotaging the official organisers' request (UN HRC, 2017, p. 10). The authorities' actions revealed a planned, systematic and synchronised approach to the detentions. The next day, March 26, a wave of protests emerged in solidarity with those detained on the 'Freedom Day', resulting in further detentions. Whereas many of those detained were released without charges, others were charged with hooliganism, resisting arrest or participating in illegal protests. Many of those detained were 'beaten, kicked, clubbed and physically abused' (UN HRC, 2017, p. 10). The *pro forma* administrative court hearings were held on the basis of law enforcement officers' testimonies, with no access to lawyers or defence witnesses. Prior to the protests, some of its organisers, human rights activists and journalists, had already been 'preventively' detained in several Belarusian cities. The implementation of Decree No 3 was eventually suspended until January 2019 and in October 2017 the number of citizens due to pay the 'social dependency tax' was reduced to 15,200 (Kavaleŭski, 2017). In March 2017, the fundraising campaign 'BY_help' was launched via Facebook, eventually raising a sum of USD 55,000 to support not only those who suffered from repression as a result of street protests, but also their families.[4]

[4] See: https://www.facebook.com/BYhelpBY/

Alongside growing popular unrest, between 21 and 29 March 2017 security forces detained 32 people in different cities of Belarus on suspicion of training people for riot participation (Part 3, Art. 239 of the Criminal Code).[5] Some 16 of the detained subsequently faced charges of creating an illegal armed group (Art. 287 of the Criminal Code). This has eventually become known as the 'White Legion case' (also referred to as the 'Patriots' case'), reflecting the names of two organisations, the patriotic sports and military-style 'White Legion', which ceased to exist in the early 2000s as well 'Patriot Club', operational since 2003. In March and April of 2017, state-controlled media developed a campaign conveying the idea that was being prepared by three dozen 'patriots', to take place in Minsk around 25 March 2017 (Belsat, 2017).

As the case evolved, access to information on the investigation proved to be very limited, as defence lawyers under the threat of criminal prosecution were not allowed to disclose information about their clients or complaints about violations of their rights. Those released from custody had to sign a document preventing them from disclosing the details of preliminary investigations, which in turn severely influenced their right to defence (Joint Statement by the Belarusian Human Rights Organisations, 2017a). Lawyers involved in the White Legion case risked losing their licences as a result of an unscheduled re-certification organised by the Ministry of Justice. This included a renowned lawyer Hanna Bachcina, who acted as legal representative for a key defendant in the White Legion case, Miraslaŭ Lazoŭski (Vyasna, 2017c; Naviny, 2017a). The White Legion case has been classified by human rights defenders as politically motivated criminal harassment. Peaceful protests held to demonstrate concern over the fate of those detained, such as that held on March 30, 2017, led to further detentions.[6]

Selected key cases and events illustrating the extent of restrictions to freedom of assembly in Belarus, include the following:

- On 25 March 2018 Freedom Day celebrations were once again marked by mass arrests and harassment of human rights defenders observing the events. Over 120 people were reported to be arrested in 12 cities, most of them subsequently released without charges (Vyasna, 2018b).
- Early in September 2017, there were street protests against Russia-Belarus military exercises, 'Zapad-2017'. These resulted in fines and detentions, including sentences for Mikalaj Statkievič and Uladzimir Niakliajeŭ of 5 and 7 days administrative detention, respectively.
- Between 21 and 29 March 2017, security forces detained 32 people on suspicion of training people for participation in rioting; 16 subsequently faced charges of creating an illegal armed group (the 'White Legion' case). Those released from pre-trail detention in the White Legion case reported having been tortured. Siarhiej Kuncevič, released in June 2017, was in this way forced to disclose information on the opposition leader Mikalaj Statkievič (Karavenkova, 2017).
- On 11 March 2017, several opposition leaders were sentenced to 15-days detention, including Anatoĺ Liabiedźka, Juryj Hubarevič, Volha Kavaĺkova and Vitaĺ Rymašeŭski. Paviel Seviaryniec was detained on 12 March. Mikalaj Statkievič disappeared for three days during the protests in late March 2017 (UN HRC, 2017, p. 13) and Uladzimir Niakliajeŭ was 'preventively detained' in Brest on March 25 when he was returning to Minsk from Warsaw by train. The authorities thus returned to the practice of 'preventive detentions', targeting prominent opposition figures. The tendency continues in 2018.

[5] Among the detained were emergency workers, military and border troops, members of the oppositional Young Front, members of the officially functioning military and sports club 'Patriot' in Babrujsk and ex-members of the 'White Legion'.

[6] On 16 June, KGB transferred the White Legion case to the Investigative Committee. Most detainees were released between April and November 2017. The rioting case was eventually closed in June due to the lack of evidence and those charged with rioting were released.

- In February 2017, members of 'Malady Front' led by Zmicier Daškievič and Siarhiej Paĺčeuski received three-days detention sentences following their efforts to reverse the planned construction of a business centre on the site of Soviet mass executions in Kurapaty.

2.3 Freedom of Expression

Infringing journalists' rights and freedom of expression violations have been frequent during the period from 2016 to 2018, especially in the eight months prior to the parliamentary elections in September 2016. Journalists and bloggers (and increasingly vloggers) have been sentenced to heavy fines and detentions, their personal belongings have been seized and they have become targets of routine harassment and intimidation.

The restrictive regulation system based upon licencing and registration of media outlets gives the Belarusian authorities full control over the media environment. This includes accreditation of those working for foreign media outlets which is routinely systematically denied. Freelance activity without this accreditation is interpreted by the authorities as violation of art. 22.9, part 2 of the Code on Administrative Offences, which leads to the charges of production violation and dissemination of mass media products. The tendency to target journalists cooperating with unregistered (foreign) media was especially notorious during coverage of the parliamentary elections in September 2016 and Decree No 3 protests in spring 2017.

The highly restrictive Mass Media Law allows for control by the Ministry of Information not only over the media environment in Belarus in general but also to a large extent over online media in particular. Access to critical websites has accordingly been blocked from 2016 to date in light of the 2016 parliamentary elections and 2017 protests. This included the websites of *Radio Racyja* in 2016, *Belaruspartisan* and *charter97* in December 2017 as well as January 2018.

From 2016 the importance of social media has continued to be critical. During the 2017 protests, the Belarusian authorities tried to block mobile internet access in protest hotspots and attempted to suppress live streaming of the demonstrations (Freedom House, 2017). The importance of online platforms and media can be illustrated by an online petition demanding the resignation of Defence Minister Andrej Raŭkoŭ, signed by over 10,000 people by mid-October 2017. The petition resulted from public outrage over the death of conscript Aliaksandr Koržyč as a result of hazing in the army, discovered on 3 October 2017. Although not having achieved the intended effect (the petition was blocked after complaints from the Ministry of Defence), the petition reflected public discontent which eventually led to staff rotation in the Ministry and a large-scale investigation opened by the Investigative Committee.[7]

This new role of social media, which contributed to civil society and political mobilisation in Belarus during 2017, has been accompanied by the authorities increasingly harassing bloggers and online media participants, which according to the UN Special Rapporteur indicates 'a system of controlling content and intimidation regarding free expression' (UN HRC, 2017 p. 7-8).

Selected key cases and events, which illustrate the extent of restrictions to freedom of expression in Belarus, include the following:

- During 2017, freelance journalists in Belarus suffered over 180 incidents of interference from the authorities (BAJ, 2017b). In March 2017 alone, during coverage of street demonstrations, 123 instances of infringements to journalists' rights were registered. There was also frequent use of force (UN HRC, 2017, p. 7). According to the UN Special Rapporteur on the situation of human rights in Belarus, on six occasions journalists were beaten by groups of law enforcement personnel (UN HRC,

[7] Agency with the competence of preliminary investigation (directly responsible to the President).

2017, p. 7). The tendency continued in 2018: in March 2015 at least seven journalists were arrested while covering the Freedom Day in Minsk (Vyasna, 2018b).

- The Belarusian Association of Journalists (BAJ) reported 85 trials of Belarusian journalists in 2017, for alleged offences related to their work. The trials led to 12 instances of detention (5 to 15 days) and 72 fines.[8] This is in addition to 13 instances of journalists being detained in 2016 (UN HRC, 2017, p. 7);
- In the first 10 months of 2017, the value of fines levied on journalists and freelance media workers was around EUR 18,000 (Belarusian Association of Journalists, 2017). Žukoŭski was sentenced to fines seven times in 2016 and eleven times in 2017.
- On 31 March 2017, two offices of *Belsat TV* (part of Polish public television) in Minsk were raided and equipment was seized. These actions underlined the police tendency to single out Belsat journalists, who have constantly been fined, harassed, detained and also beaten by police. In January 2018 Andrej Kozel, working for Belsat, was detained on election day as he was live streaming from inside the polling station in Minsk. He was beaten up and his head was smashed through the glass door of the polling station; he was subsequently fined to BYR 735 (EUR 300) in February 2018. The reported value of equipment seized by Belsat journalists in March 2017 has been estimated at around EUR 20,000 (Buryjeva, 2017).
- In March 2017, amid widening protests, journalist Larysa Ščyrakova received threats that her son would be taken away from her, allegedly in connection with the number of accumulated administrative detentions (Abakunčyk, 2017).
- In June 2016, journalists Kanstancin Žukouski and Aliaksiej Atroščanka were detained and ill-treated by the police. After their detention as they were shooting a story about a local brick company, they spent more than five hours in the police department, where they were forced to lie on the floor and threatened with violence (Vyasna, 2016).

2.4 Freedom of Association

A restrictive set of rules and regulation practices continues to restrict the freedom of association. Accordingly, the UN Special Rapporteur on the situation of human rights in Belarus noted that 'the many obstacles put in the way of registration by the State make it virtually impossible for an organisation to be officially recognised and able to work freely.' (UN HRC, 2017, p. 8). No new political party has been registered since 2000, including during the period prior to the 2016 parliamentary elections, when registrations of the public campaign 'Tell the Truth' and the Belarusian Christian Democratic Party were once again declined. However, as an exception to this general and long-standing tendency and after six unsuccessful attempts to obtain official status, registration of the campaign 'Tell the Truth' was eventually sanctioned by the Ministry of Justice in May 2017. While the denials of registration have been systematic, membership of non-registered associations is criminalised under the Article 193-1 of the Criminal Code, leading to charges of imprisonment for up to two years. This results in the harassment not only of domestic NGO members, but also members of certain NGOs operating from abroad.

Selected key cases and events illustrating the situation regarding freedom of association in Belarus include the following:

- To date (April 2018), no new political parties have been registered, while several NGOs and associations have also been denied registration, including the human rights organisations Vyasna, a group 'Mothers'

[8] The full list of journalists fined or detained in 2017 is available at: https://baj.by/be/analytics/represii-suprac-zhurnalistau-u-belarusi-u-2017-godze-tablica

Movement 328' aiming to raise awareness of prisoners' rights, as well as the Centre for Gender Studies Ruža (the campaign against gender discrimination in Belarusian law).

- Early in August 2017, premises of the Radio and Electronic Industry Workers' Union (REPAM) and the central office of the Belarusian Independent Trade Union (BITU) were searched, following which equipment and financial documents were seized. Searches were also carried out in apartments belonging to the BITU head, Michail Zimin, and staff of the independent trade unions. Criminal cases were instigated against Hienadź Fiadynič, leader of REPAM and Ihar Komlik, the union's accountant (REPAM, 2017) under Article 243, Part 2 of the Criminal Code (tax evasion on an especially large scale) (Joint Statement by the Belarusian Human Rights Organisations, 2017c). While Fiadynič, leader of REPAM, was released on his own recognisance, Ihar Komlik, who was a recognised political prisoner, remained in custody between August and early October 2017. Trade unions have been actively opposing the presidential Decree No 3.
- On 15 March 2017, Maryna Dubina, director of the NGO 'Ecohome' as well as its members Ksenia Maliukova and Aliena Dubovik, were sentenced to 14, 13 and 12 days of administrative detention, respectively. The trials were based on false testimonies from special police unit witnesses (WEFC, 2017).
- In August 2016, following concerns about the safety of its collaborators and pressured by security services, NIESPI, the oldest Belarusian non-state polling agency, established in 1992, was forced to cease operating.

2.5 Death penalty

Throughout 2016 and 2017, Belarus continued to execute convicts: four were executed in 2016, the highest number of reported executions since 2008, and two in 2017. One of the executions that took place in 2017 became known only in March 2018, a fact criticised by the Belarusian human rights defenders and noted by international actors including the EU (EEAS, 2018b). Three of the executions were carried out even though complaints about violations of convicts' rights were pending before the United Nations Human Rights Committee. Four new death sentences were handed down in 2017 (See Annex 2).

Both convicted people and their families suffer human rights violations, while the conditions of detention and the secrecy surrounding executions are tantamount to torture, something repeatedly maintained by Belarusian and international human rights NGOs. In addition, the lack of judiciary independence 'renders any sentence of capital punishment highly disputable' (UN HRC, 2017, p. 15).

The authorities have taken no steps to abolish the death penalty or introduce a moratorium. President Aliaksandr Lukashenka has appealed to the choice of citizens made during the 1996 national referendum in support of the death penalty, arguing that another referendum would be necessary to change the present situation (Belta, 2017).

Non-compliance with the HRC request for interim measures to halt the executions constitutes a violation by Belarus of its obligations under the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) to which it is a party. Belarus also ratified the UN Convention against Torture. The secrecy surrounding executions in Belarus and the failure to notify relatives of the execution date violates Belarus' commitments as a member of OSCE, to the extent that the countries using the death penalty should 'make available to the public information regarding the use of the death penalty' (Document of the Copenhagen Meeting, 1990).

3 Overview of EU-Belarus relations before 2016

Relations between the EU and the Republic of Belarus have always been difficult and have developed at a much slower pace than relations between the EU and other EaP countries. A Partnership and Cooperation Agreement (PCA) between the European Communities and their member states on the one side and Belarus on the other side was signed in March 1995. This agreement included a human rights conditionality clause enabling the agreement to be suspended, even unilaterally, in the event of violation of essential components such as those upholding democratic principles and human rights together with market economy principles. However, the agreement never came into force, which has left both parties without a treaty framework or legal basis for bilateral dialogue. Bilateral relations stalled in 1996-1997 due to serious setbacks in the development of democracy and protection of human rights in Belarus; these included the 1996 constitutional reform, repression of the opposition and independent media as well as interference with the judiciary. In 1997, the Council suspended ratification of the PCA, restricted all contacts between the EU and Belarus to below ministerial level and terminated all technical assistance together with cooperation programmes except those at regional level.

Ahead of the EU's 2004 enlargement to Central and Eastern Europe, the Council of the EU adopted an eight-point declaration in October 2002. This expressed the 'hope that Belarus would take its place among European democratic countries, not least since Belarus will become a direct neighbour after EU enlargement', whilst also emphasising the importance of 'respect for human rights and freedoms, as guaranteed in the UN Charter and embodied in the Helsinki Final Act' (Council of the European Union, 2002). Despite the state of law and respect for human rights deteriorating in Belarus between 2002-2004, the EU included the country in its European Neighbourhood Policy, but underlined that contractual links will be able to develop only if 'Belarus has established a democratic form of government' (European Commission, 2004). At the same time, the EU imposed restrictive measures not only against a number of Belarusian officials responsible for the disappearance of well-known opposition activists in 1999-2000, but also other officials responsible for fraud during the 2006 presidential elections, which included President Lukashenka.

A first attempt at normalising relations between the EU and Belarus took place from 2008 to 2010 (Bosse, 2012). Following the release of political prisoners and a temporary decrease in the level of repression against human rights activists and the opposition, the EU suspended the restrictive measures against almost all Belarusian officials and the country was admitted into the Eastern Partnership. However, leading commentators and analysts argue that the EU's engagement with Belarus at the time was less motivated by improvements in the respect for human rights and democracy, for which leading human rights observers found little evidence. Rather, the EU sought closer relations with Belarus in the pursuit of geopolitical interests, as a 'reward' for Lukashenka's refusal to recognise the separatist Georgian territories of Abkhazia and South Ossetia after the 2008 Russia-Georgia war (Vieira, 2014). The short period of normalisation ended abruptly following the violent crackdown of opposition protests during the presidential elections on 19 December 2010. Between 2011 and 2012, the EU imposed an arms embargo on Belarus as well as visa bans for 227 Belarusian officials and asset freezes involving 243 people and 32 companies.

A renewed attempt at normalising EU-Belarus relations was made following the Ukraine crisis' outbreak in 2014. Minsk's generally neutral position towards the Ukraine and its support for the country's territorial integrity served as a catalyst for renewed rapprochement between the EU and Belarus. In April 2014, the then Prime Minister of Poland Donald Tusk initiated a phone call with President Lukashenka to discuss the 'international situation in the context of Ukrainian developments' (BISS, 2014, pp. 8-9). By early 2015 the majority of EU member states agreed that the restrictive measures against Belarus should be eased once all remaining political prisoners in Belarus had been released and rehabilitated. Significantly, only a few

diplomats still recalled the importance of democratic and human rights standards as a precondition for lifting EU sanctions.[9] Speaking off the record, one high-ranking European official in Minsk even suggested that Lukashenka should send the remaining political prisoners abroad for medical treatment, to solve the problem whilst allowing the president to save face.[10] The EU's efforts at a normalisation of relations with Belarus provoked a positive response from Minsk. In August, Lukashenka authorised the release of all remaining political prisoners.[11] In turn, the Council reacted by suspending almost all restrictive measures against Belarus at the end of October 2015 and subsequently lifting these measures altogether in February 2016.[12]

4 Description and assessment of EU human rights activities since 2016

EU-Belarus political relations remain the most limited amongst all six EaP countries. The EU relies on only a few concrete and institutionalised policy instruments, which can be used specifically for the promotion and protection of human rights. In the absence of a legal contractual framework, bilateral relations between the EU and Belarus have been developing mainly at the level of political dialogue and within the multilateral framework of the Eastern Partnership.

In 2016 more specific bilateral dialogues were initiated, such as the EU-Belarus Coordination Group and a new Dialogue on Trade. The EU has also re-opened the Human Rights Dialogue. The informal roadmap of 'measures to deepen the EU's policy of critical engagement with Belarus' has guided relations between the EU and Belarus since October 2015, with conclusion of a Mobility Partnership (MP) and continued negotiations on Visa Facilitation and Readmission Agreements. At the same time, the EU still uses some punitive measures vis-à-vis Belarus: it maintains the arms embargo and restrictive measures against four people listed in connection with the unresolved disappearances of four prominent public figures in 1999 and 2000. Belarus has continued to participate in the multilateral dimension of the Eastern Partnership, which brings together all six EaP members and the EU at various levels of representation covering key topics such as cooperation on human rights and democratic governance.

As in previous years, Belarus has benefited from EU financial assistance, for example through the European Neighbourhood and Partnership Instrument (ENPI) as well as its successor, the European Neighbourhood Instrument (ENI), and also the Eastern Partnership Civil Society Facility (CSF) together with the European Instrument for Democracy and Human Rights (EIDHR). In September 2016, the EU announced the doubling of its bilateral financial assistance package to Belarus.

While some of the EU's policies and instruments for Belarus directly support the promotion of human rights in the country (e.g. Human Rights Dialogue or EIDHR), the majority of actions address human rights only indirectly as they have broader or different thematic focuses. Whilst the human rights component should be mainstreamed into all aspects of EU external policies (Council of the European Union, 2006), the mainstreaming of human rights into EU-Belarus relations has been neither systematic nor consistent.

However, the EU and the MSs have been continuously advocating the promotion and protection of human rights in Belarus in multilateral fora, including in the UN HRC and specialised agencies such as the International Labour Organisation. Close cooperation with the Office of the United Nations High

[9] Interview by the author with an EU official/ EU member state official in Minsk, February 2015.

[10] Interview by the author with an EU official/ EU member state official in Minsk, February 2015.

[11] The released political prisoners were, however, not fully rehabilitated.

[12] On 15 February 2016, the Council lifted the restrictive measures against 170 individuals and three companies, while maintaining the arms embargo and sanctions against four persons suspected of being involved in the disappearances of political opponents in the late 1990s.

Commissioner for Human Rights, the Council of Europe and the OSCE has also been maintained. In 2016 and 2017, the EU has promoted the UN HRC resolution on Belarus to prolong the mandate of the special rapporteur, created in 2012, also on the initiative of the EU.

The sub-sections below summarise key political tools used by the EU in its relations with Belarus since 2016. Specific emphasis is placed on policy instruments that pertain to human rights and civil society.

4.1 Human rights in the context of EU-Belarus bilateral relations

In February 2016, the Council of the European Union re-emphasised that 'EU-Belarus relations should be based on common values, especially respect for human rights, democracy and the rule of law', stressing that 'tangible steps' taken by the country to 'respect universal fundamental freedoms' remain key for 'the shaping of the EU's future policy towards Belarus' (Council of the European Union, 2016). However, since 2016 the EU has in practice followed a less principled stance in its bilateral relations with Belarus.

4.1.1 EU - Belarus Coordination Group

Prior to 2015, political contact between the EU and Belarus was scarce, especially at the highest level. The EU focused predominantly on dialogue with civil society through the Commission-led European Dialogue on Modernisation with Belarusian Society and the REFORUM project to identify and develop concrete proposals for political and economic reform, including human rights issues. However, early in 2015 EU and Belarusian officials began to implement a new format of dialogue known as the Interim Phase, or 'consultations on modernisation' (Halubnichy, 2015). The consultations took a very pragmatic form and were aimed at analysing common approaches to modernisation, primarily through cooperation in the fields of investment and trade.

In April 2016 the EU-Belarus Coordination Group was established, with its objective being to build a structured and integrated dialogue on comprehensive bilateral interaction. In April 2016, the first meeting was held in Brussels with subsequent meetings taking place in November 2016, April 2017 and December 2017. The EU-Belarus Coordination Group is an informal negotiation platform at the level of senior officials from the EEAS and the Belarusian government. At its first meeting the group identified eleven priorities for the dialogue, with trade, investment, environment and infrastructure dominating the agenda (Melyantsou, 2017a). Only one priority, the establishment of a National Human Rights Institution in Belarus, explicitly mentions human rights.

The EU and Belarus are currently in advanced negotiations on new, tailor-made EU-Belarus Partnership Priorities (2017/18-2020)[13], which focus on economic development and modernisation, strengthening institutions and good governance together with connectivity and people-to-people contacts. Human rights issues do not feature prominently in the draft document.[14] The ENI Single Support Framework 2017-2020, which implements partnership priorities (amongst other objectives defined in the revised ENP and EaP priorities) contains only two (from over 20) objectives pertaining to human rights: 'implementation of Belarus' National Human Rights Strategy' and 'enhanced rule of law'.[15]

Following the arrests and detention of peaceful demonstrators by the Belarusian authorities in February and March 2017, many human rights organisations and activists urged the EEAS to postpone the

[13] The agreement on the partnership priorities was planned to be signed on the margins of the Eastern Partnership summit in late November 2017. However, by then the terms had not been coordinated, *inter alia* due to the stance of some EU member states.

[14] Interview by the author with an EU official/EU member state official in Brussels, January 2017. See in comparison the Partnership Priorities agreed with Armenia (https://eeas.europa.eu/sites/eeas/files/eu-armenia_partnership_priorities_0.pdf)

[15] See: http://www.gtai.de/GTAI/Navigation/DE/Trade/Projekte-Ausschreibungen/Entwicklungsprojekte/suche,t=single-support-framework-20172020,did=1822308.html.

coordination group meeting scheduled to take place in April 2017 'until the release and withdrawal of charges in relation to all those detained' and 'until an objective, fair and lawful investigation into the arbitrary detentions and harsh treatment of demonstrators is initiated to bring those responsible to justice' (Coordinating Committee, 2017). However, the coordination group's meeting went ahead as planned. In an official statement summarising the group's meeting, the EU underlined that 'during all meetings the EU delegation noted that specific and irreversible steps of Belarus on promotion of universal freedoms involving freedom of speech, assemblies and mass media, as well as the rule of law and human rights, abolition of the death penalty would be the key point to […] further relations with the country' (Charter97, 2017a).

In its statements, the EU does indeed regularly confirm that human rights issues are addressed in the coordination group. EU officials say that they raise human rights concerns in the meetings; moreover, they can 'speak openly' with Belarusian diplomats, albeit 'not in public'.[16] However, in practice sectoral dialogues (which also take place between coordination group meetings)[17] are often intentionally decoupled from discussions on human rights and political freedoms. Speaking off the record, a high-ranking European official, who has been involved in the work of the coordination group, remarked that the EU now displays a greater sense of realism and prefers to cooperate in areas that do not challenge the political system of Belarus.[18] The tendency in the coordination group to avoid discussions on controversial issues such as human rights appears to be supported by Belarusian Foreign Minister Uladzimir Makiej, according to whom 'Belarus and the EU have agreed to address only solvable problems and to take sensitive issues out of the agenda' (quoted in Melyantsou, 2017a).

A unique feature of the coordination group is that representatives of Belarusian civil society have been invited to participate and comment on the dialogue's priorities. Civil society actors generally appreciate this opportunity. However, as the Belarusian Ministry of Foreign Affairs validates each candidature of civil society organisations, several renowned human rights groups have been denied access to the meetings. In addition, civil society representatives may participate in the third part of the coordination group meetings only when the sectoral group's work is being summed up. According to a civil society representative who participated in one of the group meetings, independent organisations can make suggestions or ask questions, but they are not allowed to take part in any of the substantive negotiations during the sectoral dialogues. Furthermore, human rights issues, financial assistance or partnership priorities are always discussed behind closed doors.[19]

4.1.2 Informal 'Roadmap for Normalisation'

In January 2015, the Council agreed on an internal document on possible additional concrete measures to deepen the EU's policy of critical engagement with Belarus. Following the release of political prisoners by the Belarusian Government in August 2015, the EU's Political and Security Committee (PSC) initially made implementation of these measures conditional on conduct during the presidential election. Thereafter, late in October 2015 the Council decided to 'couple' suspension of restrictive measures against Belarus with implementation of the measures (House of Commons, 2016).

Besides lifting sanctions, the roadmap also contained measures on the resumption of political contact at the highest political level, increased financial assistance and technical information sharing, activities in the area of customs, easing the restrictions on European Investment Bank (EIB) financing, removing quotas

[16] Interview by the author with EU officials in Brussels, December 2016.

[17] Sectoral cooperation includes 12 topics: Economics and finance, privatisation and industry, transport, customs, education, research and development, trade, agriculture and sanitary and phytosanitary standards, environmental protection, energy, digital economy, labour market and social protection.

[18] Interview by the author with EU officials in Brussels, January 2018.

[19] Interviews by the author with representatives of Belarusian CSOs, December 2016 and April 2018.

imposed on Belarusian goods and the negotiation of a new EU-Belarus visa facilitation agreement (Cabinet Office, 2016). Because the document is classified as 'EU Restricted', it is not possible to establish if or to what extent human rights are mentioned. According to David Lidington, former UK Minister for Europe, the measures were 'designed to be used progressively should relations with Belarus improve, and in particular should the human rights situation in Belarus improve' (House of Commons, 2016).

Only limited information is available on the current state of play regarding implementation of the 29 measures and it remains unclear on what grounds the Council chooses to progress in seeking deeper engagement with Belarus. According to one analyst, more than half the measures had already been implemented by mid-2017 (Melyantsou, 2017a). In interviews, EU and member state officials often justify the progressive implementation of roadmap measures with reference to 'steps taken' by the Belarusian authorities to 'liberalise domestic politics', the release of all political prisoners and the 'peaceful' or 'more open' conduct of elections in 2015 and 2016.[20] Most interviewees acknowledge that the broader human rights context (including the increase in human rights violations in spring 2017) tends to 'raise concern' but concurrently underline that the Belarusian government has 'taken positive steps' and that the 'attitudes of Belarusian officials have changed', notably in discussions on 'human rights issues'.[21] One of the most important roadmap measures, the start of negotiations on a new bilateral agreement between the EU and Belarus, has not yet been implemented. The EU emphasises that it first expects Belarus to conclude agreements on visa-facilitation and readmission, whilst also introducing a moratorium on the death penalty (Melyantsou, 2017b, p. 71).

4.1.3 EU-Belarus Human Rights Dialogue

Belarus and the EU did agree to discuss human rights in 2009, at which time the dialogue foresaw meetings taking place 'at least once a year' in Belarus and the EU. However, as relations deteriorated following the 2010 presidential elections, no further meetings took place for the next six years.

Following rapprochement between the EU and Belarus, the human rights dialogue was resumed in July 2015. The EU and Belarus discussed a range of issues, including the establishment of a National Human Rights Institution, freedom of expression, assembly and association, the death penalty together with the fight against torture and ill-treatment, as well as children's rights. Cooperation with the UN and coordination on multilateral issues were also discussed. However, Belarus and the EU interpreted the outcome of the human rights dialogue in different ways. According to the official Minsk view, discussions allowed for a 'frank and respectful preliminary exchange […] with a view to strengthening mutual trust and developing cooperation' (Ministry of Foreign Affairs of the Republic of Belarus, 2015). The EU stressed that the parties had discussed 'detention of human rights defenders and political prisoners' as well as 'promoting reforms' (European External Action Service, 2015).

The next human rights meeting took place in June 2016 and addressed similar issues to those in the previous year, as well as electoral rights, the rights of people with disabilities and the fight against violence in the family. For the first time, civil society representatives contributed to the dialogue, albeit only on the latter two issues.

The latest human rights dialogue took place in July 2017 and focused particularly on the freedoms of expression, assembly and association, as well as electoral rights, the death penalty, penitentiary reform, anti-discrimination policy, gender equality and the fight against violence in the family. Once again civil society organisations participated in parts of the dialogue. In 2016 and 2017, the EU delegation was led by Thomas Mayr-Harting, Managing Director of the EEAS for Europe and Central Asia and included

[20] Interviews by the author with EU officials/ EU member state officials in Brussels, December 2017 and January 2018.

[21] Interviews by the author with EU officials/ EU member state officials in Brussels, December 2017 and January 2018.

representatives from the EEAS as well as the European Commission. Representatives of European Union Member States were observers at the talks. The next regular Human Rights Dialogue meeting between the EU and Belarus is expected to take place in 2018.

Back in 2009, human rights activists were not optimistic that the human rights dialogue would result in real progress, while some acknowledged that the dialogue represented a positive moment in relations. Chairman of the Belarusian Helsinki Committee, Alieh Hulak, for example, explained that he was 'far from being absolutely happy', but that it was 'better than nothing' and 'nice that we have such an opportunity' (Charter97, 2015). Overall, human rights activists had remained suspicious about the EU's initiative because the dialogue format provided for consultation with civil society representatives only prior to the dialogue, rather than during discussion.

However, since 2015 the Belarusian government no longer objects to the inclusion of civil society, at least in parts of the meetings. Whilst CSO activists value this gesture and generally recognise that dialogue is a 'better alternative to confrontation', doubts remain about the efficacy of the present arrangement. Many activists point out that there are no signs that the authorities intend to take any recommendations into account, especially on civil and political rights. According to Hulak, Belarusian officials made no promises and failed to elaborate on any plans for change during the meetings: 'They kept repeating: we've heard it, we'll work on it, and we'll answer this later' (quoted in Gubarevich, 2017). In their Joint Position of June 2017, 13 leading Belarusian human rights organisations/defenders (including the Belarusian Helsinki Committee and Vyasna Human Rights Centre) urge the EU to use dialogues with the Belarusian authorities to agree upon a road map for the implementation of a concrete plan to achieve progress on the human rights situation in the country. Moreover, the Joint Position reminds the EU to 'view the Belarusian human rights organisations as an important participant in the EU-Belarus […] dialogue on human rights' and to 'include them in these processes as the equal partners' (Human Rights House, 2017a).

The EU-Belarus Human Rights Dialogue is thus broadly in line with the EU's Guidelines on Human Rights Dialogues, which foresee 'flexibility and pragmatism' in the context of the practical arrangements for Human Rights Dialogues in which civil society 'could become involved under the most suitable arrangement' (EU Guidelines on Human Rights Dialogues, 2009). However, regarding the guideline to 'give the human rights dialogues a degree of genuine transparency vis-à-vis civil society', there still needs to be considerable improvement and more emphasis should be placed on assessing progress based on the actual implementation of human rights commitments in practice.

4.1.4 Other bilateral initiatives and sectoral dialogues

In 2014, the EU and Belarus started to negotiate Visa Facilitation and Readmission Agreements, following which the Mobility Partnership (MP) between the two countries was signed in October 2016. MPs aim at improved organisation of legal migration and fostering well-managed mobility as well as preventing and combating irregular migration together with eradicating human trafficking. In theory, the 'respect for human rights' is a 'cross-cutting priority' for this policy framework (European Union, 2011). The Joint Declaration on a Mobility Partnership between Belarus and the EU does mention human rights, but only in the context of their underpinning both parties' migration and mobility policies in view of ensuring 'respect of the fundamental human rights of all migrants' (Council of the European Union, 2015, pp. 2-4). It is too early to evaluate how far the EU has emphasised human rights issues in implementation of the MP, which has been drafted, reviewed and signed with little involvement in the process from civil society. As a result, Belarusian civil society organisations remain cautious about the Mobility Partnership, which they perceive to be focused on 'security concerns' and 'cooperation between Belarus and Frontex in border control and

illegal migration', rather than on mobility or the promotion of human rights.[22] Concluding readmission agreements with countries that lack developed systems for guaranteeing the right to asylum or the right to *'non-refoulement'* (such as Belarus) has proven very controversial over the past years, especially in view of human rights violations committed by border guards and the police.[23]

In the past two years, the EU and Belarus have also established a formal Dialogue on Trade covering domestic regulations and other trade issues, particularly regarding Belarus's accession to the World Trade Organisation (WTO). The EU-Belarus Customs Dialogue was initiated in 2016 and is aimed at identifying possible cooperation and assistance activities with a view to facilitating trade, ensuring supply chain security and safety, as well as combating fraud. Both dialogues are decoupled from human rights discussions and civil society does not participate.

4.1.5 Restrictive measures

On 15 February 2016, the Council of the EU decided to lift restrictive measures against 170 individuals and four companies. The decision was justified by reference to 'the steps taken by Belarus over the last two years that have contributed to improving EU-Belarus relations' and its 'constructive role in the region'. The Council also referred to the release of all remaining prisoners and the presidential elections of October 2015 that 'were held in an environment free from violence' (Council of European Union, 2016). However, the Council did express some concern 'with the situation of human rights in Belarus', but did not elaborate further on this issue when discussing the reasons for lifting the restrictive measures (Council of the European Union, 2016). Some member states were in favour of lifting all sanctions. Several Central and Eastern European countries argued that such a move would reduce Belarus' dependence on Russia. Other member states, such as Sweden and the UK, were more cautious emphasising that Lukashenka first needed to show a lasting commitment to political reforms.[24]

In this context it should also be noted that almost all measures against Belarusian entities/companies had to be repealed because of successful legal actions taken by Belarusian oligarchs against the EU. In 2015, the European Court of Justice issued seven judgements, annulling restrictive measures against all Belarusian oligarchs and (most of) their companies because the Council had failed to present convincing evidence that they had financially supported the Lukashenka regime.[25]

The EU still maintains an arms embargo, a ban on the export of goods for internal repression and an asset freeze as well as a travel ban applied against four people listed in connection with the unresolved disappearance of two opposition politicians, one businessman and one journalist in 1999 and 2000. The EU decided to uphold restrictive measures against the four Belarusians because it believes that they all had or have links to security services in Belarus and have been involved in the unresolved disappearances. On 22 February 2018, the Council decided to prolong the restrictive measures against Belarus until 28 February 2019.

4.2 Human rights in the context of the EaP multilateral dimension

The EaP's multilateral track involves different levels of representation covering heads of state and governments, foreign affairs ministers, senior officials as well as parliamentary representatives, civil society

[22] Interview by the author with a representative of a Belarusian CSO, December 2016.

[23] See for example the report by Amnesty International on arbitrary detention, ill-treatment and other serious human rights violations in the context of EU external migration policies, including readmission agreements (Amnesty International, 2017b). See also Bosse (2018).

[24] Interviews by the author with EU officials/ EU member state officials in Brussels, January 2015 - January 2018.

[25] See Annex 3.

together with local and regional authorities. Among other priorities, the promotion of democracy and human rights has been a key focus since 2009 and the following sections examine, therefore, how far the EaP multilateral track has functioned as a tool to promote human rights in Belarus.

4.2.1 EaP Summits, ministerial meetings and thematic platforms

The EaP and EU heads of state and government meet every two years. Since its inception, President Lukashenka has been invited to two summits (2009 and 2017) yet refused to attend; he was prevented from joining the summits in 2011, 2013 and 2015 because of the EU's visa ban against him. The heads of state and government from the EaP countries usually adopt a diplomatic stance towards Belarus and avoid any explicit 'naming and shaming' of the Belarusian government because of its human rights violations. For example, at the 2011 EaP Warsaw summit all the other five EaP countries refused to sign a declaration condemning the deterioration of human rights, democracy and the rule of law in Belarus. However, in their 2015 Joint Declaration, the heads of state and government specifically expressed their appreciation of enhanced EU-Belarus relations and Belarus's role in the Minsk Peace Process. Following the EU's lifting of the visa ban on Lukashenka in 2016, the president was invited to take part in the 2017 EaP summit in Riga. Prior to the summit, leaders of the opposition group 'Belarusian National Congress' Mikalaj Statkievič and Uladzimir Niakliajeŭ signed an appeal urging the EU not to invite Lukashenka to the summit (Charter97, 2017c). In any event Lukashenka eventually declined the invitation, most likely because EU heads of state and government had signalled that they did not intend to meet him on an individual basis (Charter97, 2017c). The Joint Declaration of November 2017 makes no mention of the arbitrary detentions or harassment of political activists in Belarus following the protests in February/March 2017. Instead summit participants note that they 'appreciate that the EU's critical engagement with Belarus has become more comprehensive' (Council of the European Union, 2017).

Meetings of foreign affairs ministers take place annually, whilst the EU and EaP countries also meet in various other ministerial formats (for instance, trade, home affairs, culture and the digital economy). Belarusian ministers regularly attend these meetings and have taken a more proactive role since 2014/15. Similar to the bilateral sectoral meetings held between the EU and Belarus, the ministerial meetings at multilateral level tend to 'bracket' discussions on human rights and democracy.

Four thematic platforms serve as multilateral forums for discussion and exchange of experience at the level of senior officials. The EEAS is responsible for coordinating the platform on 'Democracy, good governance and stability'. This platform met twice in 2016 and 2017, addressing issues across a wide range of areas, including Public Administration Reform, Rule of Law, Integrated Border Management, Migration and Asylum, the Common Security and Defence Policy (CSDP) and Prevention of natural or man-made disasters. Human rights do feature in the panel's meetings, though the Belarusian delegation is reported to have taken a 'pick and choose' approach to initiatives.[26] For example, Belarus does participate in the Anti-Corruption Programme and hosted a meeting of the panel on practical aspects of labour migration in Minsk, whereas it took little interest in projects on cyber security or local/regional government reforms.[27]

Representatives of the EaP Civil Society Forum are invited on an *ad hoc* basis to present their views at EaP summits, ministerial meetings and thematic platforms. In the past Belarus and Azerbaijan have tended to object to the CSF attending or taking the floor during these meetings; however, since 2017 the Belarusian stance has become 'more flexible on the issue'.[28]

[26] Interviews by the author with EU officials/ EU member state officials in Brussels, December 2017 and January 2018.
[27] Interviews by the author with EU officials/ EU member state officials in Brussels, December 2017 and January 2018.
[28] Interviews by the author with EU officials in Brussels, December 2017 and January 2018.

4.2.2 Euronest Parliamentary Assembly

Euronest brings together parliamentarians from EU and EaP countries. The assembly was created in 2009 but did not meet until 2011 because of disagreements on the issue of Belarus's representation. MEPs decided not to invite any parliamentarians from Belarus after the presidential election in December 2010 and the government-led crackdown on the opposition. The European Parliament does not recognise Belarus's national parliament as having been democratically elected. In March 2016 representatives of nine Belarusian opposition parties were invited to take part in the Euronest Parliamentary Assembly (PA). Following rapprochement between the EU and Belarus in 2014/15, some MEPs indicated that Belarusian MPs might be able to join Euronest if the parliamentary elections in September 2016 complied with international standards. However, in October 2016 representatives of the Belarusian opposition resisted proposals to invite the new House of Representatives to Euronest. In its resolution of 24 November 2016, the European Parliament noted that 'in the newly elected parliament there will be one representative of the opposition party and one of the non-governmental sector' but that it 'considers these, however, to be political appointments, rather than a result of the electoral outcome' (European Parliament, 2016).[29] The Belarusian House of Representatives remains excluded from Euronest.

A Euronest PA Working Group on Belarus was created in 2011 to study and make proposals on ways in which the Euronest Assembly could contribute to Belarus's fulfilment of the PA's membership criteria. The Working Group met four times in 2016 and 2017 to discuss the political situation in Belarus with representatives of the Belarusian opposition and civil society. The main focus of the meetings has been on the parliamentary and local elections, as well as the role of civil society in education. Human rights-related issues were addressed, but mainly in the context of the freedoms of assembly and association.[30]

Overall, Euronest has been very clear as regards its principled stance on Belarusian parliamentarians' participation in the assembly and has actively supported dialogue with the political opposition in Belarus. However, its declarations and resolutions have avoided explicit criticism of human rights violations in Belarus, mostly because of resistance from other EaP delegations, including most prominently members of parliament from Azerbaijan.

4.2.3 Civil Society Forum

The EaP Civil Society Forum (CSF) aims to strengthen civil society in the Eastern Partnership countries and foster cooperation as well as the exchange of experience between civil society organisations from partner countries and the EU. The CSF is open to all civil society organisations, including CSOs that have been denied registration in Belarus. At national level the EaP CSF aims to strengthen the diversity and plurality of public discourse as well as policy making in the Eastern Partnership countries by holding governments accountable for their actions and promoting fundamental freedoms, participatory democracy and human rights. The CSF can be considered to be the most vocal supporter of human rights and democratic reform in Belarus, regularly issuing reports on political developments and preparing critical statements on human rights violations, which it brings to the attention of EU and Eastern country's governments when it is invited to present its views at EaP summits, ministerial meetings or thematic platforms. Belarusian civil society representatives have been very active participants in the CSF. However, leading Belarusian CSO representatives remain sceptical about the political influence of this forum, described by one as the 'kindergarten' of the thematic platforms, lacking any involvement in decision-making.[31].

[29] See Annex 5 for an overview of major EP activities addressing human rights issues in Belarus.

[30] For an overview of the activities of the Euronest PA Working Group on Belarus, please see: http://www.europarl.europa.eu/euronest/en/working-groups-&-other-events/wg-on-belarus.html.

[31] Interviews by the author with Belarusian CSO representatives, June 2010 and April 2018.

Most Belarusian CSOs acknowledge that the CSF has led to a significant increase in their cooperation and coordination; they had previously hardly met, let alone been able to develop any common positions or programmes. The Belarusian National Platform (BNP) now includes over 70 organisations and in the past two years has gradually expanded its presence in the EU-Belarus Coordination Group and the Human Rights Dialogue. The BNP adopted a non-paper on Belarusian-European relations in 2017-2020, and also co-organised and implemented an EaP CSF Monitoring Mission on Civil Society, Media and Human Rights Situation in Belarus. The BNP has also issued several statements on the release of peaceful protesters (March 2017), the situation regarding illegal construction inside the protected area of Kurapaty memorial site and it has called for postponement of the EU-Belarus Coordination Group Meeting following the events of February/March 2017 (Civil Society Forum, 2017). At the same time, and especially since 2014/15, the BNP has gradually become a de facto recognised stakeholder by the Belarusian MFA, *inter alia* with the help of the EU Delegation in Belarus.[32]

4.3 Financial and technical assistance

4.3.1 ENI bilateral and multilateral financial assistance

Belarus receives most EU financial assistance through the bilateral and multilateral envelopes of the ENI (formerly the ENPI).

Following the violent crackdown on protests in the aftermath of the 2010 presidential election, the EU had significantly reduced its assistance to Belarus. Nevertheless, as a gesture towards further rapprochement the EU announced in September 2016 that it would double the value of its bilateral assistance package to Belarus from EUR 14.5 million in 2015 to EUR 29 million in 2016 (European, Commission 2016b). However, most of the increased funds were earmarked for strengthening private sector development (EUR 14 million) as well as addressing the phenomenon of increasing numbers of irregular migrants (EUR 7 million). EUR 6 million were to be invested in strengthening the capacity of Belarusian public governmental institutions, of which only a fraction aimed at the promotion of good governance, justice, gender equality and the rule of law. EUR 2 million was provided for the European Humanities University (EHU) based in Vilnius (EUR 2 million) in support of 'democratic developments in Belarus' (European Commission, 2016b). In other words, the EU's increased bilateral financial assistance to Belarus mainly supported the implementation of sectoral priorities, with only limited focus on the promotion of democratic standards and human rights.

The trend towards sectoral cooperation and support for Belarusian government institutions was also clearly reflected in the Commission's Annual Action Programmes for Belarus in 2016 and 2017. The budget for strengthening Belarusian government institutions was channelled into an action entitled 'Technical Cooperation Facility (TCF)' to 'support and smoothen implementation of the structural and institutional reforms in the selected areas', such as macro-economic reforms, economic planning, corporate governance, financial sector reform, banking stability or WTO accession (European Commission, 2016a). With regard to strengthening the rule of law, a direct grant was awarded to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) (EUR 500,000) to implement actions 'jointly prioritised by the Belarusian government and the Commission' aimed at promoting good governance, justice, gender equality and the rule of law. In other words, the Belarusian government is able to keep control over any reforms related to justice and the rule of law. In 2017, the EU supported another three actions worth EUR 29 million, which includes funding for the action entitled 'EU Good Governance Programme in Belarus'

[32] However, many human rights activists and leaders of the political opposition in Belarus remain suspicious of the EU Delegation as well as the BNP. In their view, the Delegation's track record of 'flirting' and 'praising' the Lukashenka regime has decreased the reputation of the Delegation (see Charter97, 2015), while the BNP's contacts with the regime are seen to corrupt genuine democratic civil society in Belarus (Interview by the author with a representative of a Belarusian CSO, April 2018).

(EUR 10 million). This aims to enhance the participation and voice of 'Belarusian citizens' in decision-making affecting their lives, advancing inclusive, accountable and responsive governance at local, regional and national levels as well as reinforcing the rule of law and access to justice practices' (European Commission, 2017). The action (managed by the UN Development Programme, Population Fund and UNICEF) contains a number of novel objectives (which differ from the general sectoral support), such as improved access to justice together with ensuring a fair and efficient justice service delivery to all including vulnerable groups, sustainable dialogue mechanisms together with stronger partnerships between civil society and state authorities at the local, regional and national levels as well as implementation of the National Human Rights Action Plan (European Commission, 2017). It is foreseen that at least EUR 5 million will be provided to strengthen civil society by way of grant schemes. To summarise, the EU earmarked a total of EUR 12.5 million of bilateral ENI assistance for promoting the rule of law, human rights and civil society in its Annual Programmes of 2016 and 2017. That amount is too limited to make any significant impact on the human rights situation in Belarus[33], though it does account for over 21 % of the total ENI assistance for Belarus during this period.

Under the ENI's multilateral envelope (2016 and 2017), Belarus received assistance for six projects on Civil society (for example, Strengthening non-State actors' Capacities to Promote Reform and increase Public Accountability), one project on Freedom and independence of the media (e.g. OPEN Media Hub) and two projects on Governance, the rule of law and human rights (e.g. EU-Council of Europe Partnership for Good Governance).[34]

ENPI/ENI budgetary commitments in 2016-2017 (both bilateral and multilateral) show that over 50 % of the number (not the value) of commitments had benefited universities or research institutes in Belarus. In 2016, 30 % of all budgetary commitments were made to local NGOs or associations, whereas in 2017, no commitments to local NGOs or associations have been recorded (see Annex 4). Since 2010, the number of budgetary commitments to government institutions has declined. However, budgetary commitments in 2016-17 were mostly based on Annual Programmes drawn up before 2015-16 (see Annex 4). It remains to be seen how much civil society is to benefit from the budgetary commitments under the Annual Programmes for 2016 and 2017.

4.3.2 The European Instrument for Democracy and Human Rights (EIDHR)

According to the EU Financial Transparency System (FTS), between 2012 and 2016 new commitments to beneficiaries based in Belarus amounted to just over EUR 660,000.[35] Three projects are funded by these commitments. The project 'SAFE Right to live without violence' (2016-2018, EUR 171,000) aims to protect the rights of women and children to have a safe family environment and provide professional assistance to victims of domestic violence. Another project focuses on de-institutionalisation as an opportunity to promote human rights of people with intellectual and/or psychological disabilities (2016-2019; EUR 263,000). This project aims at timely response to human rights violations in so-called 'psycho-neurological internats'. A third project, 'Education opens doors' (2015-2017; EUR 228,000), seeks to humanise the correctional system and promote education as a fundamental human right.

The EIDHR also provides assistance to Human Rights Defenders who are at risk to meet their most urgent needs and also reinforces their capacities to continue human rights work in the medium and longer term.

[33] Interview by the author with representatives of Belarusian CSOs, December 2017 and April 2018.

[34] EU Neighbours East, Projects. Available at: http://www.euneighbours.eu/en/east/eu-in-action/projects.

[35] Data retrieved from EU Financial Transparency System (FTS), which lists amounts awarded ('committed') to beneficiaries in a given year, and uses the address of the beneficiary as the sole indication of its nationality: http://ec.europa.eu/budget/fts/index_en.htm.

Information on whether and how much assistance has been provided to Belarusian human rights activists cannot be disclosed publically. The Commission has reported that between 2012 and 2016, Belarus benefited from overall EIDHR disbursements worth EUR 7,74 million[36]. However, speaking in private, one Belarusian human rights activist indicated that channels of EIDHR assistance for Human Rights Defenders are either not widely known or regarded with suspicion. Human rights activists prefer to seek help via contacts in EU member states rather than through the EU.[37]

4.3.3 The European Endowment for Democracy (EED)

A more political instrument for human rights activists and civil society, supported by the EU and its member states, is the European Endowment for Democracy (EED), which supports human rights-related projects in Belarus. The EED has funded several projects in 2016 and 2017, including inter alia support and bridge funding for key media to set up safe operations and engage civic and media activists, the reopening of a platform for intellectuals, artists, and civic activists, over 40 initiatives engaged with citizens to identify urgent local problems and bridge funding for 12 pro-democracy initiatives. The EED also organised several debates with Belarusian political and human rights activists, including a roundtable with Hanna Kanapackaja (member of the opposition at the Belarusian Parliament) in December 2017.

5 Assessment of EU policy: Impact and constraints

The EU's impact on systemic reform in Belarus has been minimal. While certain positive steps by the government have led to improvement in the political climate, the post-2016 situation does not attest to any true progress having been made on human rights, contrary to hopes and expectations fostered by the release of six political prisoners in 2015 and presidential elections held the same year under conditions of restraint in the use of violence. These hopes were subsequently reinforced by the parliamentary elections held in September 2016,[38] which brought to the House of Representatives two new members known for their critical position towards the regime: Hanna Kanapackaja from the United Civil Party and an independent civil society activist, as well as Deputy Chair of the Belarusian Language Society, Aliena Anisim. The authorities abstained from resorting to large-scale law enforcement violence until spring 2017, demonstrating greater openness towards dialogue with civil society activists and experts, while also assuming a more compromising position on issues of public concern (Decree No 3, White Legion case, Kurapaty). In October 2016, the Belarusian government also adopted the National Human Rights Action Plan, which had been prepared following the second cycle of the United Nations Human Rights Council Universal Periodic Review recommendations.

However, despite positive signs, real progress on systemic reform in Belarus has not taken place. Although there has been dialogue with international actors, use of the death penalty has continued. Belarus still fails to recognise the UN Special Rapporteur's mandate on the situation of human rights in the country, which continues to expose deep-seated and persistent problems regarding restrictions in the basic freedoms, as mentioned earlier. Moreover, opposition leaders, civil society activists, journalists and human rights defenders continue to operate under extremely adverse conditions, with constant risk to life and liberty. Since 2016, the diminishing number of political prisoners has been countered by the sky-rocketing number of detentions on spurious charges involving participants in the widening street protests, independent

[36] Data retrieved from European Commission Annual Reports on the implementation of the European Union's instruments for financing external actions (2013-2017): https://ec.europa.eu/europeaid/annual-reports_en.

[37] Interview by the author with a Belarusian Human Rights Activist, 2018.

[38] International observers and the leading human rights NGOs have concluded the electoral process failed to meet international standards for democratic and free elections, and criticised it on the account of the existing legal framework, campaigning conditions, the media coverage, electoral commissions, and vote count. See: Human Rights Defenders for Free Elections (2016), Analytical Report, https://spring96.org/files/misc/analytical_report_en.pdf .

journalists, opposition members and human rights defenders who are experiencing excessively high fines, harassment, repression and intimidation.

5.1 Enabling factors on the EU's influence

Officially Minsk has always made it clear that the EU's policy of sanctions was counterproductive. Demonstrating that EU pressure and demands would not produce any results, Lukashenka did not release any political prisoners until 2015. However, the Ukraine war had a very significant impact on the Belarusian government's security perceptions and pushed Lukashenka to be more active in seeking to strike a balance between Russia and 'the West', attempting to position Belarus as a 'situationally neutral' country (Melyantsou 2017a, p. 46). Subsequently, Lukashenka has signalled his readiness to make some concessions towards the EU (for example, the release of all political prisoners, less violence against the political opposition and human rights dialogues). Regarding the EU's influence, key enabling factors have thus been external geopolitical developments (the Ukraine crisis and an increasingly assertive Russian Federation), but to date it is very clear that the Belarusian government will not consider *genuine* democratisation as a possible concession vis-à-vis the EU. Domestic political stability is of paramount importance to the Belarusian authorities and a vital interest which is very likely to be prioritised over maintaining good relations with the EU. In 2010 the Belarusian government had attempted to ensure a (by Belarusian standards) freer parliamentary election campaign ahead of the presidential elections. When large-scale demonstrations erupted, Lukashenka took a clear decision against good relations with the EU by crushing the protests and arresting hundreds of political activists in order to maintain 'stability'. In this context, it seems unrealistic to expect the Belarusian government to implement any reforms perceived as likely to undermine its political system. Moreover, it is far from certain that Lukashenka will stay committed to the few concessions that he has made to the EU.

5.2 Constraining factors on the EU's influence

The Ukraine war has created an incentive for Minsk to seek normalised relations with the EU (on a formal and informal basis), which has in turn provided the EU with more leverage over Belarus and opportunities to address the human rights situation in the country. However, the obstacles remain formidable.

To a large extent the EU is constrained by the Belarusian regime's very nature. As shown in previous sections of this report, the government is ready to make concessions, but only to the extent that they do not undermine the political system's *status quo*, the position of Lukashenka himself and domestic political stability generally. Belarus is a non-democratic regime in the form of a populist presidential monarchy (Brooker, 2009, pp. 248-49), which is remarkably stable and highly change-resistant. Lukashenka's main interest is to stay in power. He will resist any reforms which imply movement towards a fully democratic and transparent electoral process or legal limitations on the use of force or repression, which are both considered to be crucial instruments in upholding the political status quo in the country.

A second constraint on EU influence is the geopolitical context. On the one hand, Russia's increasingly assertive stance vis-à-vis the EaP countries and the Ukraine war have together formed a catalyst for the normalisation of EU-Belarus relations. On the other hand, wars in Georgia (2008) and Ukraine have illustrated that the Russian government is determined to exercise a certain level of control over the EaP countries, which it considers to be part of its geopolitical sphere of interest. Russian pressure on Belarus to join the Eurasian Economic Union (EAEU) (of which it became a founding member on 1 January 2015), and develop the Union State of Russia and Belarus further, have considerably narrowed the country's room for manoeuvre in its foreign policy towards the EU. However, in this context it should also be noted that Lukashenka has so far been modestly successful in translating improved relations with the EU into increased leverage vis-à-vis Russia.

The third constraint to EU influence is the limited 'policy toolbox' it can use in its relations with Belarus. Even though the quantity and quality of political dialogue with Belarus has increased since 2016, the informal and often *ad hoc* character of EU-Belarus relations greatly narrows the EU's opportunities to address, negotiate or implement effective measures, which could realistically improve the human rights situation on the ground. The absence of a formal legal agreement between the parties makes it virtually impossible for the EU to set authoritative benchmarks for reforms or apply any form of conditionality in the context of its relations with Belarus. The recently agreed Mobility Partnership should lead to the conclusion of Visa Facilitation and Readmission Agreements which would finally provide a legal basis for cooperation and should include mainstreamed human rights provisions. Nevertheless, it is unclear when the agreement will be signed (negotiations have been delayed and are still on-going as we write in April 2018) and how such an agreement can have a positive impact on human rights.

The fourth obstacle to EU human rights promotion in Belarus is the EU's approach itself. There is a broad consensus among analysts that the EU's willingness to normalise relations with Belarus has been motivated more by geopolitical considerations than human rights promotion. Despite political declarations emphasising the importance of shared values in EU-Belarus relations, EU institutions and member states have clearly changed their attitude towards Belarus since 2014. Fostering 'state and societal resilience' to the EU's East and South has become a new mantra within EU foreign policy and the ENP (European Union, 2016). In their 2015 Joint Review the Commission and the High Representative underlined their priority of offering 'ways to strengthen the resilience of the EU's partners in the face of external pressures and their ability to make their own sovereign choices' (European Commission and High Representative of the Union for Foreign Affairs and Security Policy, 2015). In the words of a leading Belarusian political analyst, Belarus (often labelled the 'last dictatorship in Europe') has been transformed from the EaP's 'outsider' into a 'success story' because it is now the only EaP country that is still in full control of its own territory (Melyantsou, 2017a). Almost all EU member states have intensified their relations with Belarus since 2015 and throughout 2016-17. Former Polish minister of Foreign Affairs Witold Waszczykowski declared that the 'old relationship' between Poland and Belarus had been 'abnormal' and that the Polish government intended 'without any preconditions to start the dialogue and to settle all questions' (quoted in Melyantsou, 2017b). German Foreign Minister Sigmar Gabriel, stated that 'we have an interest that Belarus can be something like a bridge between the EU and the Eurasian Economic Union' during his visit to Minsk in November 2017 (quoted in Deutsche Welle, 2017). Several member states have also concluded cooperation agreements with the Foreign and Defence Ministries of Belarus (for example, Latvia, Hungary and the UK). In November 2016, a delegation of the EU's Political and Security Committee (PSC), the EEAS and the European Commission met with Lukashenka in Minsk to discuss the future of EU-Belarus relations. Walter Stevens, chair of the PSC, praised the 'positive trends in relations with Belarus' and emphasised the country's important role in the Minsk peace process (Stevens quoted in a statement of the Government of Belarus, 2016). These examples show that EU institutions (with the notable exception of the European Parliament, see Annex 5) and most of the member states have adopted a less principled approach towards Belarus.

As a result, some analysts argue that the EU currently has less interest in making an impact on human rights than it does in strengthening Lukashenka, who appears to have reaped more benefits from the process of normalisation than the EU. Not only has Lukashenka gained more leverage vis-à-vis Russia, but good relations with the EU have also improved the credit-worthiness of Belarus (e.g. for credit providers such as the IMF) and its attractiveness for foreign investors. Moreover, with restrictive measures lifted, the Belarusian government elites feel recognised and legitimised. However, the EU seems to have been satisfied with 'symbolic gestures' and concessions as part of a staged liberalisation (Kłysiński, 2016, p. 5).

Fifth and finally, there is some uncertainty about the extent to which the broader Belarusian public is interested in democratisation. A recent survey conducted by ECORYS (2017) showed that the majority of

Belarusians (46 %) took a neutral stance on the EU, while a lower proportion (31 %) had a fairly positive impression of the EU. When asked about the most important values in Belarus, the majority of respondents named peace, security and stability (28 %) as well as economic prosperity (21 %). Human rights (12 %), individual freedom (9 %), the rule of law (7 %), democracy (5 %) and freedom of the media (0 %) are among the less important values. Notably, 48 % were fairly and very satisfied with the 'way democracy works in Belarus', 57 % of respondents believed that the rule of law applies in Belarus and 48 % indicated that respect for human rights is good. It should also be recalled in this context that the large-scale protests in February and March 2017 did not primarily call for reforms or changes in the political status quo, but rather were focussed on economic issues, social justice and collective memory (Herasimenka, 2017).

6 Conclusion

The 2014 annexation of Crimea by the Russian Federation and the war in Eastern Ukraine have radically altered the geopolitical and security environments for EaP countries in the region. This has led the EU and Belarus to revise their foreign policies, including their relations with each other. On the one hand, for its part Belarus has sought a balance between the Russian Federation and the 'West', positioning itself as a neutral country. The EEAS, the Commission and EU member states on the other hand have also changed their attitude towards Belarus. Despite political declarations emphasising the importance of shared values in EU-Belarus relations, fostering 'state and societal resilience' to the East and South has become a new mantra in EU foreign policy and the EaP. As a result, the EU no longer views Belarus exclusively as the 'last dictatorship in Europe' but increasingly also as the only EaP country that is still in full control of its own territory (Melyantsou, 2017a). In February 2016, the Council decided to lift most of the EU's restrictive measures against Belarus, *inter alia* in response to the release of political prisoners by the Belarusian government.

However, the human rights situation in Belarus remains critical and a serious cause for concern. The first part of this study presented the main human rights trends in Belarus, examining legislation, policy commitments and violations of human rights. While certain positive steps by the government have led to improvements in the country's political climate since 2016, including the authorities' greater openness towards dialogue with civil society as well as international actors, no actual systemic reform has been implemented. Politically motivated imprisonment continues to be used by the authorities, even though to a lesser extent than before, but this is countered by the number of administrative detentions and excessively high fines, which have increased significantly. Political prisoners have been harassed by prison authorities and the life of Michail Žamčužny's was put at risk. Belarus has continued to use the death penalty; 2016 saw the highest number of reported executions since 2008. Human rights continue to be violated, including restrictions in the freedom of assembly, freedom of association and freedom of the media. Looking specifically at the 2016 parliamentary elections as well as the subsequent peaceful protests in February and March 2017, the authorities have systematically resorted to repression and intimidation directed at independent journalists, opposition members and human rights defenders, whose political activity in Belarus continues to be associated with a high level of threat to lives and freedom. The protests of February and March 2017 marked a rapid deterioration in the country's human rights situation and saw the return of mass repression by the authorities. In March 2017, peaceful demonstrations against the so-called 'parasite law' (Presidential Decree No 3) were brutally dispersed, with hundreds sentenced to administrative detention and heavy fines. Since then actions of solidarity with those detained have been taking place and campaigns have been launched to support not only those who have suffered directly from repression, but also their families. The 2017 protests have also revealed the growing importance of social media, which are no longer restricted to a specific social group or generation of Belarusians.

The second part of our study presented an overview and assessment of the EU's policy actions in human rights protection and promotion with Belarus since 2016. We analysed policy tools used both in EU-Belarus

bilateral relations and in the context of the EaP's multilateral dimension. Regarding the former, the EU regularly confirms that human rights are being addressed in the EU-Belarus Coordination Group. In practice, sectoral dialogues are often intentionally decoupled from discussions on human rights. A unique feature of the new EU-Belarus Coordination Group is that representatives of Belarusian civil society have been invited to participate. However, CSOs point out that these representatives are not allowed to participate in substantive sectoral dialogue negotiations and that human rights are always discussed behind closed doors. Indeed, several renowned human rights groups have been denied access to the meetings altogether. Only limited information is available on the current state of play in implementation of the 'Informal Roadmap'. It remains unclear on what grounds the Council chooses to progress with the implementation of new measures aimed at deepening its engagement with Belarus. EU institutions and member states justify progressive implementation of the roadmap with reference to steps taken by the Belarusian authorities to liberalise domestic politics. Negotiations on a new EU-Belarus bilateral agreement have yet to start. The EU expects Belarus firstly to conclude the Visa Facilitation and Readmission Agreements and to introduce a moratorium on the death penalty. The EU-Belarus Human Rights Dialogues in 2016 and 2017 addressed electoral rights, the rights of people with disabilities and the fight against violence in the family. For the first time, civil society participated in the dialogue, but only on the two latter issues. However, CSO activists point out that there are no signs of the authorities' intent to take any recommendations into account, especially on civil and political rights. While the Mobility Partnership between the EU and Belarus mentions human rights, it is too early to evaluate how far the EU has emphasised human rights in the Mobility Partnership's implementation. CSOs have largely been excluded from the MP's drafting and review; they have criticised the partnership for its focus on security concerns as well as cooperation in border control and illegal migration, rather than on mobility or the promotion of human rights.

As for the EaP multilateral dimension, EU activities have involved some human rights promotion. At intergovernmental levels (EaP summits, ministerial meetings, thematic platforms), EaP countries have resisted 'naming and shaming' of the Belarusian government for human rights violations. However, Euronest has taken a very principled stance on Belarus and continues to exclude the Belarusian House of Representatives. The Civil Society Forum also plays a pivotal role in advocating, promoting and monitoring human rights in Belarus.

As far as financial assistance is concerned, the EU has earmarked EUR 12.5 million of bilateral ENI assistance for the promotion of human rights and civil society in 2016 and 2017 with EIDHR assistance worth EUR 660,000. That is a significant part of total EU assistance to Belarus but yet the amounts are too small to have any real impact on the country's human rights situation. The funding shortfall is partly compensated by instruments directly supporting human rights activists, including EIDHR assistance for Human Rights Defenders and the European Endowment for Democracy.

Although the EU's influence on human rights in Belarus has been minimal since 2016, Lukashenka has signalled his readiness to make some concessions (for example, the release of all political prisoners, less violence against the political opposition and Human Rights Dialogues). However, these concessions have largely been motivated by external geopolitical developments (the Ukraine crisis and an increasingly assertive Russian Federation) rather than EU policy. The Belarusian government remains highly unlikely to consider genuine democratisation as it directly jeopardises domestic stability and the regime's very foundation. EU human rights promotion is also affected by institutional limitations. The informal and often *ad hoc* character of EU-Belarus relations greatly restricts the EU's policy toolbox. Moreover, despite political declarations emphasising the importance of shared values in EU-Belarus relations, the EEAS, the Commission and EU member states have clearly changed their attitude towards Belarus since 2014. Fostering 'state and societal resilience' in Belarus has become the new mantra in the EU's neighbourhood policy, which increasingly overrides concerns about human rights violations.

7 Policy Recommendations

Based on the analysis, a number of policy recommendations follow suggesting how the EU's policy on promoting human rights in Belarus could be made more effective:

- The EU currently risks overemphasising the complex geopolitical context of its Eastern neighbourhood at the cost of improving its human rights policy. The EU should continue its systematic and consistent mainstreaming of human rights protection in all aspects of EU-Belarus relations. The *de facto* decoupling of discussions on human rights from cooperation in sectoral policy regarding both bilateral and multilateral relations with Belarus stands in direct contradiction with the EU's declared objective of mainstreaming human rights into relations with third countries. As a first step, the EU should review its 2010 decision to decouple negotiations on visa facilitation with Belarus from questions about human rights.
- Within the wider context of mainstreaming human rights protection by the EU in its relations with Belarus, the EP has played a pivotal role in protecting human rights in Belarus. The EP and its bodies should continue to systematically address the most pertinent human rights concerns through EP resolutions, declarative statements, exchanges of views with the political opposition and civil society as well as study visits. The Euronest Parliamentary Assembly and the Euronest PA Working Group on Belarus could step up efforts to explicitly address human rights violations in Belarus in its meetings, declarations and resolutions.
- The EU has successfully moved away from a policy exclusively based on negative punitive measures (for instance, restrictive measures) by initiating a number of positive policy activities, such as sectoral dialogues. While diversification of the EU's policy toolbox is an important achievement, the absence of (almost all) human rights related conditionality from the new bilateral initiatives *unnecessarily reduces EU leverage* over the Belarusian authorities. The EU should, therefore, reintroduce a minimum level of political conditionality into its bilateral relations with Belarus at the same time as offering engagement in less political sectors.
- The EP should strengthen its cooperation with all those actors that are able to conduct efficient and reliable monitoring of the human rights situation in Belarus. Independent and complete data on human rights violations constitutes the only solid and legitimate basis upon which decisions on further engagement with the Belarusian government should be taken and justified. Working closely with NGOs and civil society organisations active *inside* Belarus is of crucial importance.
- A 'conditionality light' policy, if applied consistently and accompanied by adequate monitoring tools, could strike a balance between the previous EU negative conditionality-based approach and its current (almost) unconditional approach oriented towards normalisation.
- The EP is in a strong position to remind the Council of the EU and the EEAS to continue the EU's general approach of mainstreaming human rights protection in all areas of EU-Belarus relations. Abandoning conditionality vis-à-vis the Belarusian government might be interpreted by the regime as a *carte blanche* for human rights violations.
- Over the past decades, EU democracy promotion has focused mainly on elections and the release of political prisoners. As a result, the EU's 'more for more' approach was reduced to an obscure trade of 'more engagement' in return for 'less political prisoners'. Less attention has been paid to domestic political developments and the human rights situation more generally, including the time between major elections. In the absence of an Action Plan or an Association Agenda with Belarus, the EU should introduce an alternative format of annual progress reporting on Belarus (or equivalent monitoring measures) within the framework of the EaP, providing its institutions and member states with a strong

factual base upon which to formulate EaP policy towards Belarus. The EU-Belarus Human Rights Dialogue should be assessed by the High Representative, the EEAS and the Council Working Party on Human Rights in line with the EU Guidelines on Human Rights Dialogues with Third Countries, paying due attention to the *implementation* of human rights in Belarus *in practice*. Civil society should be involved in this assessment exercise.

- The EP should demand that the EU bases EaP policy towards Belarus (and especially further steps towards engagement) on annual progress reporting. In this context, the reporting that takes place based on the EU's human rights and democracy strategy should be made public in order to allow scrutiny by the EP as a whole and by human rights activists and organizations from Belarus. The EP should strengthen its cooperation with actors that are able to provide independent and comprehensive data on the human rights situation in Belarus (see recommendation above). In addition, the EP should ask the Commission to support systematic and independent monitoring of human rights in Belarus through the ENI and especially the EIDHR. The European Endowment for Democracy should also play a more proactive role in enhancing independent human rights monitoring by civil society in Belarus.

- Despite the institutional limitations of EU relations with Belarus, the EU should integrate clearer roadmaps or benchmarks into its bilateral and multilateral cooperation with the country in order to keep track of commitments to reforms and international human rights obligations.

- The EP is in a strong position to remind the Belarusian government of its human rights commitments to the United Nations. The Universal Periodic Review provides clear and concrete benchmarks upon which to measure progress with the implementation of human rights commitments. The EP should commission an independent study that systematically assesses the implementation (in theory *and practice*) of Belarus's human rights commitments to the United Nations. In that context, the regular reporting by the UN Special Rapporteur on the situation of human rights in Belarus should provide an authoritative base for assessing Belarus's compliance with its commitments to the UN.

- In recent years, EU policy towards Belarus has become less transparent. For example, 'The list of possible additional concrete measures to deepen the EU's policy of critical engagement with Belarus' ('Informal Roadmap') has been crucial in the process of EU engagement with the country between 2015 and 2017. Despite the document's political relevance, it is classified as 'EU Restricted' and cannot be accessed. While secrecy is an important aspect of diplomacy, key strategies that determine the overall course of relations with Belarus should be made available to a wider public. Exposing EU policy to alternatives based upon sound justification and argumentation in favour of a particular course of action should be considered as equally (if not more) effective than shielding controversial policy choices away from the public.

- The EP should ask the Council of the EU and the EEAS to increase the transparency of EaP policy towards Belarus, including the release of crucial documents such as the 'Informal Roadmap'.

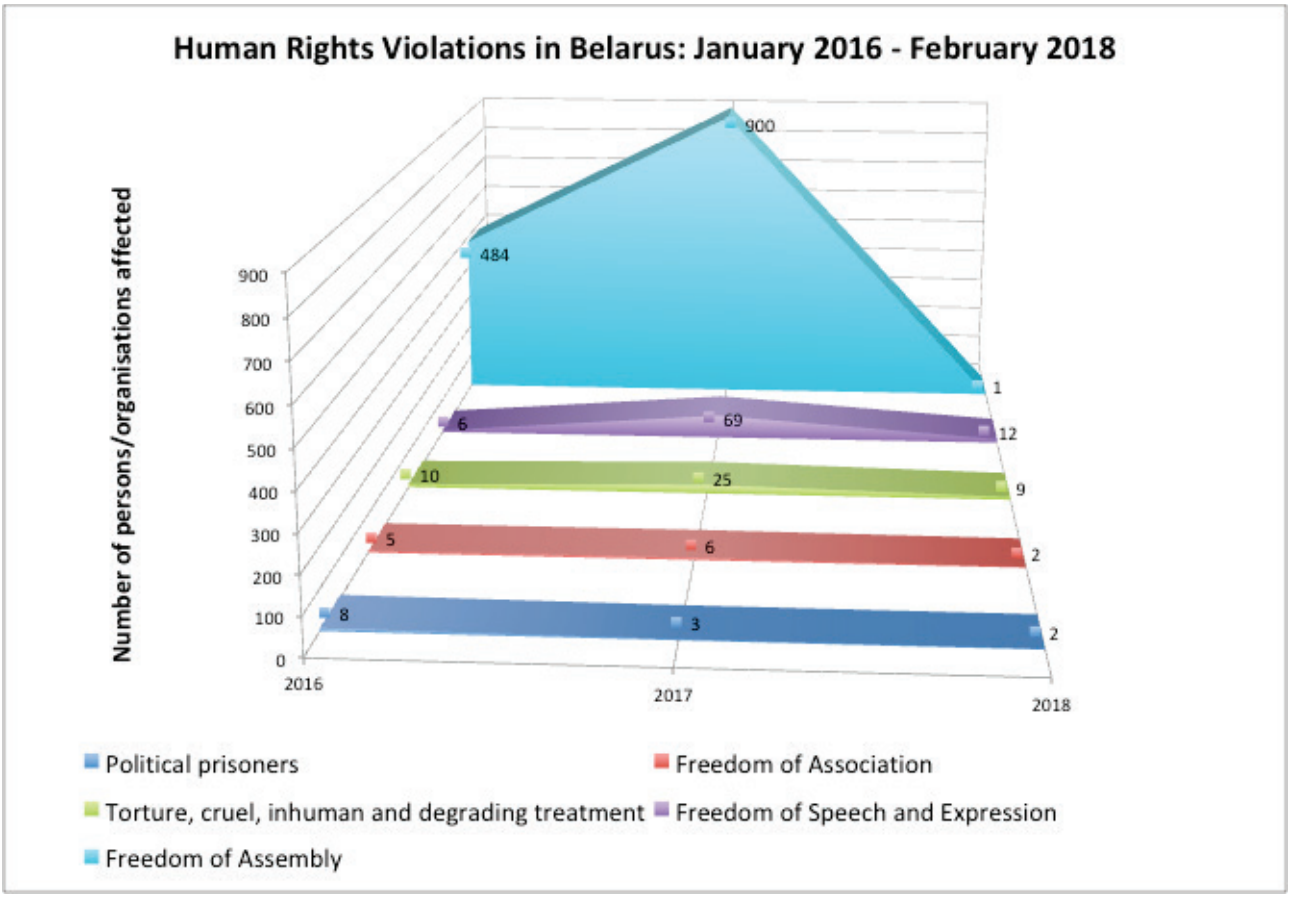
- As elsewhere in the EaP region, the role of civil society in monitoring government policy is crucial. In order to increase local Belarusian CSOs' capacity, the EU should continue to put pressure on (or persuade) the Belarusian authorities to allow civil society participation in sectoral dialogues and EaP thematic platforms, including substantive discussions. Only if CSOs have the chance to prepare for and increase their knowledge in various policy areas can they develop adequate capacities to monitor and (possibly) improve policy. To that end, the EU should continue its efforts to support the dialogue between government authorities and Belarusian CSOs.

- The EP and its various bodies, as well as the Euronest PA and its Working Group on Belarus can actively contribute to fostering dialogue between government authorities and Belarusian CSOs, whilst continuing to strengthen the EP's ties with the Belarusian political opposition.

- Since 2010, the EU has significantly limited direct budget support for Belarusian government institutions. Grants to international institutions and organisations such as the World Bank, UNICEF or ODIHR as main implementers of EU financial assistance in Belarus (as foreseen in the ENI Annual Action Plans of 2016 and 2017) indicate that the EU has taken into account the domestic political context's limitations (as well as its own limited influence as 'sole' actor on the ground). Nevertheless, more projects (and funding) should be allocated to strengthen the capacities of local CSOs, which often benefit from EU assistance only indirectly.
- The EP should use its leverage over the EU's budget to push for increased assistance to human rights defenders through the ENI, the EIDHR and the EED. While the EIDHR and EED have developed effective mechanisms to support human rights activists, their activities in Belarus remain very limited. More and better expertise should be acquired in order to increase the reach of these instruments in Belarus.
- Aside from strengthening the capacity of local Belarusian CSOs, the EU should continue its dialogue with and support for the political opposition in Belarus. Euronest and the European Parliament are the most relevant platforms in that respect. The Belarusian opposition has been considerably weakened, withstanding decades of severe repression and intimidation. As a result, it is disunited, there is a high degree of suspicion as well as distrust and dialogue is difficult. However, it is important to recall that these are all symptoms of a highly effective autocratic regime. Withdrawing support from the political opposition plays directly into the hands of the Belarusian government.
- Given its high political and symbolic standing in Belarusian domestic politics, the EU should resist becoming part of a political constellation, which eventually divides domestic political actors and dynamics (NGOs, politicians) into 'good' and 'bad', depending on the extent of their (potential) rapprochement with the Belarusian government. Projects combining different groups of actors, with diverse backgrounds and a strong online presence should especially be promoted. The role of the EP and the Euronest PA are crucial in this context.
- Against a background of the successful record of social media campaigns developed in 2017, the EU should consider ways of supporting and promoting such initiatives within Belarusian civil society, which has dynamically evolved over recent years. It is important that support provided by the EU receives sufficient visibility. The EP should use its leverage over the EU's budget to push for more targeted instruments to support social media campaigns and activists in Belarus.

Annex

1 Human rights violations in Belarus: January 2016 – February 2018



Source: Authors' own chart based on data from Human Rights Watch Reports (2016-2017), Amnesty International Reports (2016-2017) and monthly reports provided by the Human Rights Centre Vyasna (between January 2016 and February 2018).[39]

[39] The chart only includes human rights violations that were reported to these three organisations. The actual number of human rights violations is therefore likely to be higher. The chart lists human rights violations based on the number of persons affected.

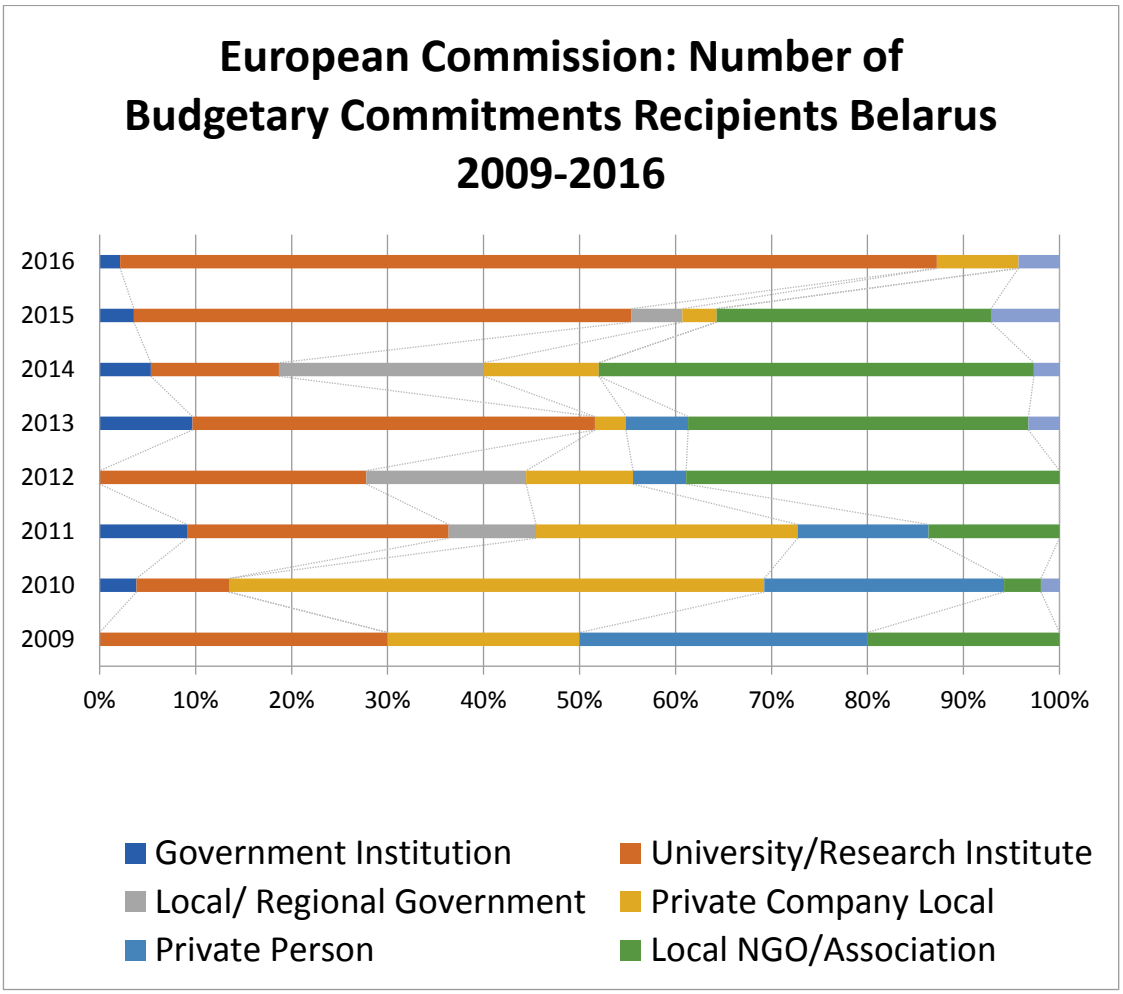
2 Death Penalties 2015-2018

Surname, Name	Elements of crime	Official Sentence, Regional authority	Context and source	Date of execution
Ivanoŭ, Siarhiej	Murder, (committed in 2013)	Death, March 2015, Homieĺ Regional Court	Sentence upheld by the Supreme Court in July 2015. His brother had petitioned the UN Human Rights Committee (HRC), arguing that S.I. trial was unfair. The Committee had requested the Belarusian authorities not to carry out the execution while the case was under consideration (Amnesty International, 2017b, p. 28, Vyasna).	Apr. 2016
Chmialieŭski, Siarhiej	Murder of three	Death, Feb. 2016, Minsk Regional Court	Sentence upheld in the Supreme Court in May 2016. The UN HRC had requested the Belarusian authorities not to carry out the execution pending the examination of his case (submitted in August) (Amnesty International, 2017b, p. 29, Vyasna).	Nov. 2016
Jakavicki, Hienadź	Murder (committed in 2015)	Death, Jan. 2016, Minsk Regional Court	Sentence upheld in the Supreme Court in April 2016. J. H. defence lawyers maintained that vital evidence was omitted at his trial (Amnesty International, 2017b, p. 28). HRC requested not to carry out death sentences, pending the examination of the case.	Nov. 2016
Kulieš, Ivan	Murder	Death, Nov. 2015, Hrodna Regional Court	Sentence upheld in the Supreme Court in March 2016 (Amnesty International, 2017b, p. 29).	Nov. 2016
Vostrykaŭ, Siarhiej	Murder, rape	Death, May 2016, Homieĺ Regional Court	Sentence upheld in the Supreme Court in October 2016 (Amnesty International, 2017b; EEAS, 2017a)	Apr. 2017
Kazačok, Kiryl	Killed two of his children	Death, Dec. 2016, Homieĺ Regional Court	Verdict not appealed.	Oct. 2017
Michalienia, Aliaksiej	Murder	Death, March 2017, Homieĺ Regional Court	Sentence upheld in the Supreme Court in June 2017 (EEAS, 2017b; HRH, 2017). UN HRC asked the Belarusian authorities to postpone the execution of Mikhalenia while his case is under consideration at the Committee (since 1 February 2018).	pending
Ihar Hieršankoŭ	Murder, Fraud,	Death, Jul. 2017 Mahilioŭ Regional Court	Sentence upheld in the Supreme Court in Dec. 2017 (AI 2017)	pending
Siamion Beražnoŭ	Murder, Fraud	Death, Jul. 2017 Mahilioŭ Regional Court	Sentence upheld in the Supreme Court in Dec. 2017 (AI 2017)	pending
Viktar Liotaŭ	Murder (killing a cellmate in a prison)	Death, Sept. 2017, Viciebsk Regional Court.	Verdict not appealed	pending
Sucharka, Viačaslaŭ	Murder, Robbery	Death, Jan. 2018, Minsk City Court	EEAS, 2018; Vyasna 2018	pending
Žyĺnikaŭ, Aliaksandr	Murder, Robbery	Death, Jan. 2018, Minsk City Court	EEAS, 2018; Vyasna 2018	pending

3 ECJ rulings on restrictive measures against Belarus

Name of the parties	Date	Judgement
FK Dynama Minsk v Council (T-275/12)	06/10/2015	Annuls restrictive measures imposed in 2012 and 2014, dismisses action as inadmissible concerning October 2013 Council Decision and Implementing Regulation.
Čyž and Others v *Council (T-276/12)*	06/10/2015	Annuls restrictive measures imposed in 2012, 2013 and 2014, dismisses action as being inadmissible concerning October 2013 Council Decision and Implementing Regulation in so far they concern Mr Čyž, Triple, Variant and TriplePharm.
Ipataŭ v Council (C‑535/14 P)	07/08/2015	Dismisses the appeal.
Ciarnaŭski v Council (T-163/12)	12/06/2015	Annuls restrictive measures between 2012 and 2013, dismisses action as being inadmissible concerning January 2014 Council Decision and Implementing Regulation.
BelTechExport v Council (T-438/11)	16/01/2015	Annuls restrictive measures between 2011 and 2012, dismisses action as being inadmissible concerning October 2013 Council Decision and Implementing Regulation.
Sport-pari v Council (T-439/11)	16/01/2015	Annuls restrictive measures in so far they concern the applicant.
BT Telecommunications v Council (T-440/11)	16/01/2015	Annuls restrictive measures between 2011 and 2012, dismisses action as being inadmissible concerning October 2013 Council Decision and Implementing Regulation.
Peftiev v Council (T-441/11)	16/01/2015	Annuls restrictive measures between 2011 and 2012, dismisses action as being inadmissible concerning October 2013 Council Decision and Implementing Regulation.
Michalčanka v Council (T-542/12)	17/10/2014	Annuls restrictive measures in so far they concern the applicant.
Ipataŭ v Council (T-646/11)	17/10/2014	Dismisses the action.

4 ENPI/ENI Budget Commitments 2009-2016[40]



Source: European Commission Financial Transparency System (FTS)

[40] The chart shows percentages of the *number* of budget commitments to Belarus. The FTS does not allow a clear identification of budgetary commitments in EUR because it does not consistently distinguish between regional and country commitments.

5 Key EP Activities in Support of Human Rights (2016-2018)

The European Parliament: Resolutions between January 2016 and April 2018:

24 November 2016: EP Resolution 2016/2934 (RSP) on the situation in Belarus; voiced concern about the shortcomings during the electoral process of the 2015 presidential and 2016 parliamentary elections; stressed the need for electoral reform before the municipal elections in March 2018; called on Belarusian authorities to ensure respect for democratic principles, human rights and fundamental freedoms; called on Belarusian Government to rehabilitate political prisoners; voiced concern regarding restrictions on the registration of (new) parties, especially during campaigning periods; expected the Belarusian authorities to stop the persecution and harassment of independent media and freelance journalists; called on Belarusian Government to stop interfering in the work of public associations and NGOs, especially by allowing and decriminalising participation, lifting disproportionately high tax burdens and refraining from using special forces to interfere in the internal affairs of civil society organisations; urged Belarus to abolish capital punishment; urged the EU and Belarus to leave open channels of communication in order to maintain and normalise relations; called on the EEAS and on the Commission to continue and strengthen support for civil, society organisations in Belarus and abroad; noted the launch in January 2014 of the negotiations on visa facilitation; mentioned and supported the EU's policy of 'critical engagement' with the Belarusian authorities; voiced concern about the construction of the Belarusian nuclear power plant in Astraviec close to the EU border; attached great importance to the accession of Belarus to the Euronest Parliamentary Assembly.

6 April 2017: EP Resolution 2017/2647 (RSP) on the situation in Belarus; condemned the undue restrictions on the right of peaceful assembly, freedom of expression and freedom of association and called on the Belarusian authorities to release all peaceful protesters, journalists, human rights defenders, civil society activists and opposition members who have been detained in connection with the current wave of demonstrations and to end the harassment of independent media and civil society for political reasons; especially in the instances of protest against Presidential Decree No 3, the planned Kurapaty business centre and on the occasion of demonstrations on Freedom Day (February till 25 March 2017), and especially with regard to the violent arrest, abduction and mistreat of human rights defenders (HRD) and political figures such as Zmicier Daškievič and Mikalaj Statkievič, Siarhiej Kulinič, Siarhiej Kuncevič, Uladzimir Niakliajeŭ, Pavel Seviaryniec, Vitaĺ Rymašeŭski, Anatoĺ Liabiedźka, Juryj Hubarevič, and Alies Lahviniec, and especially with regard to police raidings of the Human Rights Centre 'Vyasna' and the arrest of HRDs Alieh Voŭčak, Anatoli Paplaŭny and Leanid Sudalenka. The Resolution recommended the repeal of Presidential Decree No 3 as violating international human rights, which is estimated to affect more than 470 000 Belarusians; mentioned the so-called 'social parasite tax', urged international institutions for help (OSCE PA, UN Special Rapporteur); called on the Belarusian authorities to resume the work on electoral reforms; urged the government to abolish the death penalty; called on the Commission to speed up the visa and scholarship applications; welcomed the Council decision of 27 February 2017 to prolong the restrictive measures on four individuals and the arms embargo against Belarus until 28 February 2018; called on the Commission to assess whether the highest nuclear safety standards are guaranteed for the Astraviec nuclear power plant.

Major activities of the European Parliament's Delegation for relations with Belarus (D-BY) between January 2016 and April 2018:

18 February 2016: Meeting of the D-BY (in camera) with Mr Mikola Statkevich, representative of the Belarusian Social Democratic Party (People's Assembly)

3 March 2016: Meeting of the D-BY with Dr Marek Dabrowski, Professor of Economics and Research Fellow at Bruegel think-tank, on the economic situation in Belarus.

26 May 2016: Meeting of the D-BY with Mr Vladimir Misev, Election Adviser, OSCE Office for Democratic Institutions and Human Rights, in view of the upcoming parliamentary elections in Belarus on 11 September 2016.

13 September 2016: Statement of Mr Bogdan A. Zdrojewski, Chairman of the D-BY, on the recent parliamentary elections in Belarus

13 October 2016: Meeting of the Euronest Parliamentary Assembly (Euronest PA) Working Group on Belarus in association with the D-BY on the outcome of Belarusian parliamentary elections

6 February 2017: Meeting of the Subcommittee on Human Rights in association with the D-BY on the human rights situation in Belarus

27 March 2017: Statement by Mr Bogdan A. Zdrojewski, Chairman of the D-BY, on recent events in Belarus

11 May 2017: Meeting of the D-BY with Mr Kent Härstedt, Vice-Chair of the OSCE Parliamentary Assembly and Chair of its Ad Hoc Working Group on Belarus, on the 26 th OSCE PA Annual Session in Minsk on 5-9 July 2017.

29 June 2017: Meeting of the Euronest PA Working Group on Belarus in association with the D-BY.

10 July 2017: In camera meeting of the D-BY; on Briefing by the EEAS in preparation of the mission of the Delegation for relations with Belarus to Minsk on 18-19 July 2017

19 July 2017: Press release on visit of the D-BY delegation of the European Parliament to Minsk: direct and open dialogue on challenging issues.

12 October 2017: Meeting of the D-BY with a debriefing by Mr Bogdan A. Zdrojewski, Chairman of the Delegation for relations with Belarus, on the mission of the Delegation for relations with Belarus to Minsk on 18-19 July 2017; an exchange of views with Mr William Alberque, Director, Arms Control, Disarmament, and WMD Non-Proliferation Centre at NATO HQ, on the Zapad 2017 exercise; and an exchange of views with Mr Lawrence Meredith, Director for Neighbourhood East in the Directorate General for Neighbourhood and Enlargement Negotiations in the European Commission, with Mr Boris Iarochevitch, Head of Division for the Eastern Partnership, Regional Cooperation and OSCE in the European External Action Service and Mr Dirk Lorenz, Deputy Head of Division for the Eastern Partnership in the European External Action Service, on the Euronest Parliamentary Assembly from 30 October - 1 November 2017 in Kiev and the Eastern Partnership Summit on 24 November 2017 in Brussels

23 November 2017: Meeting of the D-BY with the European Bank for Reconstruction and Development (EBRD) Mr. Francis Malige, Managing Director, Eastern Europe and the Caucasus on economic perspectives and reform opportunities in Belarus

22 March 2018: Meeting of the D-BY on the outcomes of the local elections held in Belarus on 18 February 2018 and on the state of play in the negotiation of the EU-BY Partnership Priorities and recent developments in the EU-Belarus relations.

Bibliography

Abakunčyk, H. (2017), 'Журналістка Ларыса Шчыракова: 'Не дазволю зьдзекавацца з маёй сям'і' Svaboda.org, 19 March 2017, https://www.svaboda.org/a/szczyrakovaj-pahrazajuc/28378397.html, last accessed 28/02/2018.

Amnesty International (2018). Belarus: Health Concers for Jailed Belarusian Activist: Dzimitry Paliyenka. 9 March 2018. Avaliable at: https://www.amnesty.org/en/documents/eur49/8024/2018/en/, last accessed 17 April 2018.

Amnesty International (2017a), 'Death Sentences and Executions in 2016', https://www.amnesty.org/en/documents/act50/5740/2017/en/, last accessed 28/02/2018.

Amnesty International (2017b), 'The Human Rights Risks of External Migration Policies', http://www.refworld.org/pdfid/593fecfe4.pdf, last accessed 14/04/2018.

Belarusian Association of Journalists (2017a), 'Resolution of international conference "The Perspectives and Challenges to Freelance Journalism in Europe. A Special Focus on Belarus", 22 November 2017, https://baj.by/en/content/resolution-international-conference-perspectives-and-challenges-freelance-journalism-europe, last accessed 28/02/2018.

Belarusian Association of Journalists (2017b), 'BAJ - IFJ Conference: Belarus Is One of the Most Hostile Media Environments', 19 November 2017, https://baj.by/en/content/baj-ifj-conference-belarus-one-most-hostile-media-environments, last accessed 28/02/2018.

Belsat (2017), Have 'Belarus militants trained abroad' ever existed? High-profile White Legion case closed. 30 November 2017, http://belsat.eu/en/news/have-belarus-militants-trained-abroad-ever-existed-high-profile-white-legion-case-closed/, last accessed 17/04/2018.

Belta (2017), 'Lukashenko says ready to impose moratorium on death penalty if there is majority public support.' 3 February 2017, http://eng.belta.by/society/view/lukashenko-says-ready-to-impose-moratorium-on-death-penalty-if-there-is-majority-public-support-98472-2017/, last accessed 28/02/2018.

BISS (2014), 'Belarus Foreign Policy Index 19', Vilnius: Belarusian Institute for Strategic Studies.

Bosse, G. (2012), A partnership with dictatorship: explaining the paradigm shift in European Union policy towards Belarus, Journal of Common Market Studies, 50, 3, 367-384.

Bosse, G. (2017), EU - Belarus Relations in the Context of the European Neighboruhood Policy. In: Schumacher, T., Marchetti, A. and Demmelhuber, T. (eds.) Handbook of the European Neighbourhood Policy. Routledge, 290-301.

Brooker (2009), 'Non-democratic regimes. NY:Palgrave Macmillan.

Buryjeva, L. (2017), 'Няпросты год 'Белсату': саджалі ў турмы, адбіралі дзяцей' 27 Decemer 2017 http://belsat.eu/in-focus/nyaprosty-god-belsatu-sadzhali-u-turmy-adbirali-dzyatsej/, last accessed 28/02/2018.

Cabinet Office (2016), 'Letter from Rt. Hon. David Lidington MP, Minister for Europe, to Sir William Cash MP, Chairman of the European Scrutiny Committee, 14 January 2016 http://europeanmemoranda.cabinetoffice.gov.uk/files/2016/01/160114_Sir_W_Cash_-_Belarus.pdf, last accessed 28/02/2018.

Charter97 (2017a), 'The EU Delegation Condemned Actions of the Belarusian Authorities Before the Freedom Day', 5 April 2017, https://charter97.org/en/news/2017/4/5/245951, last accessed 28/02/2018

Charter97 (2017b), 'Three of five European Parliament Delegation Deputies belong to pro-Russian movements', 18 July 2017, https://charter97.org/en/news/2017/7/18/256745, last accessed 28/02/2018.

Charter97 (2017c), 'Lukashenka Not Leaving for Brussels.' https://charter97.org/en/news/2017/11/21/269877/, 21 November 2017, last accessed 28/02/2018.

Charter97 (2015), 'Maira Mora: Minsk resumes human rights dialogue with the EU' 13 May 2015, https://charter97.org/en/news/2015/5/13/151313/, last accessed 28/02/2018.

Civil Society Forum (2017), 'Annual Activities Report 2017: Belarus National Platform,' http://eap-csf.eu/wp-content/uploads/BNP-Annual-Activities-Report-Dec.2016-Oct.2017.pdf, last accessed 28/02/2018.

Coordinating Committee of Eastern Partnership Civil Society Forum Belarusian National Platform (2017), 'Statement on the on the events of 25-26 March 2017 in Minsk and other Belarusian cities'. https://eap-csf.eu/statement-on-the-events-of-25-26-march-2017-in-minsk-and-other-belarusian-cities, last accessed 28/02/2018.

Council of the European Union (2017), 'Joint Declaration of the Brussels Eastern Partnership Summit', Brussels, 24 November 2017, 14821/17, p. 4.

Council of the European Union (2016), 'Council Conclusions on Belarus', Press Release, 61/16, 15 February 2016: http://www.consilium.europa.eu/en/press/press-releases/2016/02/15/fac-belarus-conclusions/pdf, last accessed 28/02/2018.

Council of the European Union (2015), 'Draft Joint Declaration on a Mobility Partnership between the Republic of Belarus and the European Union and its Member States', Brussels, 4 May 2015, DS 1233/1/15. http://data.consilium.europa.eu/doc/document/ST-9393-2015-REV-1/en/pdf, last accessed 28/02/2018.

Council of the European Union (2006), 'Mainstreaming human rights across CFSP and other EU policies' (10076/06, 7 June 2006) (note), http://www.consilium.europa.eu/ueDocs/cms_Data/docs/hr/news66.pdf, last accessed 28/02/2018.

Council of the European Union (2002), General Affairs and External Relations, 2458th Council meeting, Luxembourg, 21 October 2002, 12943/02 (Presse 314): 18. http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/gena/72843.pdf, last accessed 28/02/2018.

Deutsche Welle (2017), 'Germany's Sigmar Gabriel in Belarus to boost ties with Russia's ally', 17 November 2017, http://www.dw.com/en/germanys-sigmar-gabriel-in-belarus-to-boost-ties-with-russias-ally/a-41429707, last accessed 28/02/2018.

Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, 5 June – 29 July 1990, https://www.osce.org/odihr/elections/14304?download=true, last accessed 28/02/2018.

ECORYS (2017), 'Annual Survey Report: Belarus – 2nd Wave' (June 2017). https://www.euneighbours.eu/sites/default/files/publications/2017-10/EUNEIGHBOURSeast_AnnualSurvey2017report_BELARUS.pdf, last accessed 28/02/2018.

EU Guidelines on Human Rights Dialogues (2009) 'EU Guidelines on Human Rights Dialogues with Third Countries', https://ec.europa.eu/europeaid/sites/devco/files/170703_eidhr_guidelines_single_07_dialog_third_countries.pdf, last accessed 14/04/2018.

European External Action Service (2018a), Statement by the Spokesperson on the local elections in Belarus, https://eeas.europa.eu/headquarters/headquarters-homepage/40065/statement-spokesperson-local-elections-belarus_en, last accessed 17/04/2018.

European External Action Service (2018b), 'EU Statement by the Spokesperson on the execution of Kiryl Kazachok in Belarus. https://eeas.europa.eu/headquarters/headquarters-homepage/41034/statement-spokesperson-execution-kiryl-kazachok-belarus_en, last accessed 17/04/2018.

European External Action Service (2017a), 'EU Local Statement on the Execution of Siarhei Vostrykau in Belarus.' Retrieved January 15, 2018, from https://eeas.europa.eu/delegations/council-europe_en/25888/EU, last accessed 28/02/2018.

European External Action Service (2017b), 'Statement by the Spokesperson on the decision of the Belarus Supreme Court to uphold the death sentence against Aliaksei Mikhalenia.' https://eeas.europa.eu/headquarters/headquarters-homepage_is/29110/, last accessed 15/01/2018.

European External Action Service (2015), 'The EU and Belarus hold a dialogue on human rights', https://eeas.europa.eu/headquarters/headquarters-homepage_en/6079/The%20EU%20and%20Belarus%20hold%20a%20dialogue%20on%20human%20rights, last accessed 28/02/2018.

European Parliament (2016), 'European Parliament resolution of 24 November 2016 on the situation in Belarus', 2016/2934(RSP).

European Commission and High Representative of the Union for Foreign Affairs and Security Policy (2015), 'Review of the European Neighbourhood Policy', Joint Communication, Brussels, 18 November 2015, JOIN (2015) 50 final, p. 4.

European Commission (2017) , 'Commission Implementing Decision, Annual Action Programme 2017 in favour of the Republic of Belarus', Brussels, 12 December 2017, C(2017) 8655 final.

European Commission (2016a), 'Commission Implementing Decision, Annual Action Programme 2016 in favour of the Republic of Belarus', Brussels, 20 July 2016, C(2016) 4861 final.

European Commission (2016b), 'New EU support to private sector development and strengthening institutions in Belarus', Fact Sheet, Brussels, 19 September 2016. Available at: http://europa.eu/rapid/press-release_MEMO-16-3107_en.htm, last accessed 28/02/2018.

European Commission (2004),' European Neighbourhood Strategy Paper', COM (2004) 373 final https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/2004_communication_from_the_commission_-_european_neighbourhood_policy_-_strategy_paper.pdf, last accessed 15/01/2018.

European Union (2011) Global Approach to Migration and Mobility, available at: https://ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/global-approach-to-migration_en, last accessed 28/02/2018

European Union (2016) , 'Shared Vision, Common Action: A Global Strategy for the European Union's Foreign and Security Policy June 2016.' https://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf, last accessed 15/01/2018.

Freedom House (2017), 'Freedom on the Net 2017.' https://freedomhouse.org/report/freedom-net/2017/belarus, last accessed 28/02/2018.

Government of Belarus (2016), 'EU delegation welcomes positive trends in relations with Belarus', Press Centre statement. Available at http://www.belarus.by/en/press-center/speeches-and-interviews/eu-delegation-welcomes-positive-trends-in-relations-with-belarus_i_0000049086.html, last accessed 28/02/2018.

Gubarevich, I. (2017), 'Human rights in Belarus: can dialogue work?', Belarus Digest, 18 August 2017 https://belarusdigest.com/story/human-rights-in-belarus-can-dialogue-work/, last accessed 28/02/2018.

Halubnichy, D. (2015), 'The Eastern Partnership: the view from Belarus', European Council on Foreign Relations. Available at: http://www.ecfr.eu/article/commentary_belarus3024, last accessed 28/02/2018.

Herasimenka, A. (2017), '2017 – Ein Jahr der Proteste in Belarus', Belarus Analysen, 34, http://www.laender-analysen.de/belarus/pdf/BelarusAnalysen34.pdf, last accessed 28/02/2018.

House of Commons (2016), 'Restrictive Measures against Belarus. European Scrutiny Committee', https://publications.parliament.uk/pa/cm201516/cmselect/cmeuleg/342-xxi/34214.htm, last accessed 28/02/2018.

Human Rights Defenders for Free Elections (2018), Final Report. http://elections2018.spring96.org/ru/news/89247, last accessed 17/04/2018.

Human Rights House (2017a), 'Position of Belarusian NGOs as Regards Overall Human Rights Situation in Belarus', http://humanrightshouse.org/Articles/22581.html, last accessed 28/02/2018.

Human Rights House (2017b), 'The first death sentence in 2017 is executed in Belarus.' http://humanrightshouse.org/Articles/22477.html, last accessed 28/02/2018.

Human Rights House (2017c), Consultation on the implementation of the National Human Rights Action Plan: experts' opinions, http://humanrightshouse.org/Articles/22942.html, last accessed 17/04/2018.

Human Rights Watch (2017), 'Belarus: events of 2017.' https://www.hrw.org/world-report/2018/country-chapters/belarus, last accessed 28/02/2018.

Joint Statement by the Belarusian Human Rights Organisations (2017a), 7 June 2017, http://humanrightshouse.org/Articles/22536.html, last accessed 28/02/2018.

Joint Statement by the Belarusian human rights organizations (2017b) 5 April 2017, https://spring96.org/en/news/86654, last accessed 28/02/2018.

Joint Statement by the Belarusian Human Rights Organisations (2017c), 3 August 2017, http://spring96.org/en/news/87541, last accessed 28/02/2018.

Joint Statement by the Belarusian Human Rights Organisations (2016). 5 October 2016, http://spring96.org/en/news/85127, last accessed 28/02/2018.

Independent Trade Union of Radio and Electronic Industry Workers (REP) 'Абсерваторыя па абароне праваабаронцаў заклікае спыніць пераслед прафсаюзных лідараў', 10 Agust de 2017 http://praca-by.info/interesno-znat/item/4576-abservatoryya-pa-abarone-pravaabarontsa-zaklikae-spynits-perasled-prafsayuznykh-lidara, last accessed 28/02/2018.

Karavenkova, T. (2017). 'Из СИЗО КГБ отпущен еще один фигурант дела 'Белого легиона' — Андрей Белявский' Belapan, 05 June 2017, https://belapan.com/archive/2017/06/05/906112/, last accessed 28/02/2018.

Kavaleŭski, U. (2017), 'От писем счастья до полной оплаты услуг. Как эволюционировал декрет по тунеядству.' 22 December 2017, https://finance.tut.by/news572782.html, last accessed 28/02/2018.

Kłysiński, K. (2016), 'Von schwachen Sanktionen zu komplizierter Zusammenarbeit. Der Teufelskreis der EU-Politik gegenüber Belarus', Belarus Analysen, 26, http://www.laender-analysen.de/belarus/pdf/BelarusAnalysen26.pdf, last accessed 28/02/2018.

Local Elections. February 2018. Analytical Report, Human Rights Defenders for Free Elections, February 21, 2018, https://elections2018.spring96.org/en/news/89248, last accessed 28/02/2018.

Melyantsou, D. (2017a) 'Belarus-EU Relations: Normalization 2.0', in: Kudors, A., Belarusian Foreign Policy: 360°, The Centre for East European Policy Studies, Riga, http://appc.lv/wp-content/uploads/2017/05/book_Belarusian_360-www-2.pdf, last accessed 28/02/2018.

Melyantsou, D. (2017b), 'Belarus –European Union: Quantity doesn't translate to quality', Belarusian Yearbook 2017. http://nmnby.eu/yearbook/2017/en/page8.html, last accessed 28/02/2018.

Melyantsou, D. (2017c), 'Belarus-West Relations: The New Normal, Working Paper Series', Centre for Transatlantic Relations.

Ministry of Foreign Affairs of the Republic of Belarus (2015), 'First round of Belarus-EU dialogue on human rights took place in Brussels', http://mfa.gov.by/en/press/news_mfa/c468262e486d4451.html, last accessed 28/02/2018.

Naviny.by (2017a) 'У адвокатов по «делу патриотов» возникли проблемы при аттестации', 26 September 2017, http://naviny.by/article/20170926/1506433586-u-advokatov-po-delu-patriotov-voznikli-problemy-pri-attestacii, last accessed 28/02/2018.

Naviny (2017b). 'Из-за невыплаченных штрафов наложен арест на транспорт Юрия Губаревича.' 7 July 2017, http://naviny.by/new/20170707/1499440633-iz-za-nevyplachennyh-shtrafov-nalozhen-arest-na-transport-yuriya-gubarevicha, last accessed 28/02/2018.

REPAM (Independent Trade Union of Radio and Electronic Industry Workers) (2017), 'Абсерваторыя па абароне праваабаронцаў заклікае спыніць пераслед прафсаюзных лідараў', 10 August 2017, http://praca-by.info/interesno-znat/item/4576-abservatoryya-pa-abarone-pravaabarontsa-zaklikae-spynits-perasled-prafsayuznykh-lidara, last accessed 28/02/2018.

United Nations Human Rights Council (UN HRC) (2017) 'Report of the Special Rapporteur on the situation of human rights in Belarus' UN doc A/HRC/35/40, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/35/40, last accessed 28/02/2018.

Vieira, A. (2014) The Politico-Military Alliance of Russia and Belarus: Re-Examining the Role of NATO and the EU in Light of the Intra-Alliance Security Dilemma. Europe-Asia Studies, 66(4), 557-577

Vyasna (2018a), 'Political prisoner Mikhail Zhamchuzhny beaten in prison, his life still at risk', 7 February 2018, http://spring96.org/en/news/89042, last accessed 28/02/2018.

Vyasna (2018b), 'Human Rights Situation in Belarus: March 2018'. http://spring96.org/en/news/89586, last accessed 17/04/2018.

Vyasna (2017a), 'Міхаіл Жамчужны асцерагаецца за сваё жыццё' 12 December 2017, http://spring96.org/be/news/88567, last accessed 28/02/2018.

Vyasna (2017b), 'Expert analysis of the prosecution of Viachaslau Kasinerau' (prepared by experts of the HRC 'Viasna' Valiantsin Stefanovich and Pavel Sapelka) https://spring96.org/en/news/86588, last accessed 28/02/2018.

Vyasna (2017c), 'Counsel in White Legion case likely to lose license.' 12 September 2017. http://spring96.org/en/news/87811; Naviny.by 26.09.2017, http://naviny.by/article/20170926/1506433586-u-advokatov-po-delu-patriotov-voznikli-problemy-pri-attestacii, last accessed 28/02/2018.

Vyasna (2016a), 'Human Rights Situation in Belarus in 2016.' Analytical Report. http://spring96.org/files/misc/review_2016_en.pdf, last accessed 28/02/2018.

Vyasna (2016b), 'Criminal Case against Mikhalevich Suspended' 14 March 2016. http://spring96.org/en/news/82549, last accessed 28/02/2018.

Vyasna (2016c), 'Human Rights Situation in Belarus: January 2016' 2 February 2016 http://spring96.org/en/news/82150, last accessed 28/02/2018.

WEFC (Women Engage for a Common Future) (2017), 'European ECO Forum Statement concerning situation on persecution of activists in Belarus.', 7 April 2017, http://www.wecf.eu/english/publications/2017/Statement-Belarus.php, last accessed 28/02/2018.

PE 603.870
EP/EXPO/B/2013-08/Lot08/18

Print ISBN 978-92-846-2978-7 | doi:10.2861/329240 | QA-01-18-560-EN-C
PDF ISBN 978-92-846-2979-4 | doi:10.2861/13591 | QA-01-18-560-EN-N