

MINISTRY OF NATURAL RESOURCES AND  
ENVIRONMENTAL PROTECTION OF THE  
REPUBLIC OF BELARUS

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In reply to No.                      to

UN Economic Commission for Europe

Aarhus              Convention              Compliance  
Committee

To the Secretary  
Ms Fiona Marshall

Copy to:  
Permanent Mission of the Republic of  
Belarus to the United Nations Office and  
the other International Organisations in  
Geneva

Dear Ms Marshall,

Thank you for your letter of 19 February 2015, Ref. ACCC/C/2014/102, and the information provided therein. The Ministry of Natural Resources and Environmental Protection of the Republic of Belarus has examined the letter and would like to notify you of the following.

Belarusian legislation contains provisions regulating issues of freedom of opinion and belief and the limits to these freedoms.

Thus, under Article 23 of the Constitution of the Republic of Belarus of 1994 (with amendments and additions adopted by national referenda of 24 November 1996 and 17 October 2004) ('the Constitution'), "[p]ersonal rights and freedoms may be restricted only in the instances specified by law, in the interests of national security, public order, protection of the morals and health of the population and the rights and freedoms of other persons".

Under Article 25 of the Constitution, "[t]he State shall safeguard the freedom, inviolability and dignity of the person. Restriction or deprivation of personal freedom is possible in the instances and under the procedure specified by law.

"A person who has been taken into custody shall have the right to a judicial review of the legality of his detention or arrest."

Under Article 26 of the Constitution, “[n]o one may be convicted of a crime unless his guilt is proven under the procedure provided for by law and is established by an enforceable verdict of a court of law”.

Under Article 33 of the Constitution, “[e]veryone is guaranteed freedom of opinions and beliefs and the free expression of these.

“No one may be forced to express his or her beliefs or to deny them.”

In addition, the government involves citizens of Belarus in tackling environmental issues. The duty to involve public associations, other legal entities and citizens in activities to protect the environment is enshrined in Article 4 of the Environmental Protection Act of 26 November 1992 No. 1982-XII (as amended on 16 June 2014, with the revisions of 31 December 2014).

Issues relating to defending the environment from the impact of factors such as nuclear radiation attract a great deal of attention in Belarus, not only from the government but also from the public, since the country suffered as a result of the Chornobyl Nuclear Power Plant disaster. It is entirely natural that anti-nuclear sentiments might be evident in Belarus.

To date, a certain section of the population has expressed negative attitudes to the development of nuclear power in Belarus. This is their constitutional right, as is noted above. However, the expression of opinion must not be accompanied by any public order violation.

Among the reported facts that could be deemed to be harassment of activists are descriptions of actions which fall within the competence of internal affairs bodies.

In that connection, concerned about compliance with article 3, paragraph 8, of the Aarhus Convention, the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus (‘the Ministry of the Environment’) wrote to the Department of Internal Affairs of the Ostrovets Rayon Executive Committee in 2010 and to the Ministry of Internal Affairs of the Republic of Belarus (‘the MVD’) in 2013 and 2014 in the aim of preventing any contravention of that article and requesting additional information about alleged harassment of activists.

On the basis of the information received from the Department of Internal Affairs of the Ostrovets Rayon Executive Committee and the MVD, it did not prove possible to determine a causal link between the activists’ anti-nuclear activities and their detentions (a letter from the Ministry of the Environment and replies from the Ostrovets Rayon Executive Committee and the MVD are annexed).

In addition, a working meeting on the issue of compliance with article 3, paragraph 8, of the Aarhus Convention was held in 2013 with representatives of various organisations which have the Ministry of Energy of the Republic of Belarus as their parent body, since issues relating to the development of nuclear power fall within its competence.

In July this year, the Ministry of the Environment sent the MVD a letter of explanation and requested statistical information about the number of people against whom administrative prosecutions were brought under the article pursuant to which the anti-nuclear activists mentioned in Communication

ACCC/C/2014/102 were charged – namely, Article 17.1 of the Code of Administrative Offences of the Republic of Belarus (‘the Administrative Offences Code’). Information was requested for the periods of time and across the administrative districts corresponding to the times and places of detention.

According to the information provided by the MVD, the number of people charged under Article 17.1 of the Administrative Offences Code was:

- in 2009 in Ostrovets Rayon, Grodno Oblast (the time and place of Mr A.V. Ozharovskiy’s detention) – 534;
- in 2012 in Moskovkiy Rayon, City of Minsk (the time and place of detention of Ms T.A. Novikova and Mr A.V. Ozharovskiy) – 859;
- in 2012 in Central Rayon, City of Minsk (the time and place of detention of Mr M.N. Matskevich and Ms I.G. Sukhiy) – 1,688.

Thus, there does not appear to be any direct causal association between reasons for detention and prosecutions in connection with anti-nuclear activities.

We further wish to inform you that Irina Sukhiy, who is mentioned in the Communication, has been a member of the Public Co-ordination Council for the Environment attached to the Ministry of the Environment (‘the PCCE’) since it was created, and she remains in this capacity at present ([http://minpriroda.gov.by/ru/new\\_url\\_128162718-ru/](http://minpriroda.gov.by/ru/new_url_128162718-ru/)). Members of the public association Ecohome, in particular Tatyana Novikova, who is also mentioned in the Communication, regularly take part in PCCE meetings, ([http://minpriroda.gov.by/ru/new\\_url\\_128162718-ru/](http://minpriroda.gov.by/ru/new_url_128162718-ru/)), and have also been involved in preparation of the National Report on Implementation of the Aarhus Convention.

The Ministry of the Environment would like to assure you that it will make every effort to provide any additional information you may require.

Yours sincerely,

First Deputy Minister

*[signed]*

I. V. Malkina