

To:
United Nations Economic Commission for Europe
Compliance Committee of the Convention on Access to
Information, Public Participation in Decision-making
and Access to Justice in Environmental Matters
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From:
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Ecohome NGO's comments on the implementation of Belarus of Decision VI/8c of the Meeting to the Parties on compliance by Belarus with its obligations under the UNECE Aarhus Convention.

Public Association Ecohome expresses appreciation for the opportunity to provide comments on the implementation by Belarus of Decision VI/8c of the Meeting of the Parties to the Aarhus Convention.

We appreciate the efforts of the Ministry of Natural Resources and Environmental Protection invested in providing additional information on the implementation of Decision VI/8c of the Meeting to the Parties to the Aarhus Convention. We highly value the steps made by the Ministry of Natural Resources and Environmental Protection of Belarus [to inform the governmental agencies](#) about the conclusions and recommendations regarding communication ACCC/C/2014/102. We also hope for the involvement of the concerned public into the discussion, development and implementation of programmes for compliance with Art. 3, paragraph 8 of the Aarhus Convention within the confines of the duty training of law enforcement agencies personnel.

However, our concerns continue to be raised by incidents of systematic violations of the Aarhus Convention provisions, as well as the lack of progress in implementing repetitive recommendations of the Aarhus Convention Compliance Committee regarding the implementation of Decision VI/8c.

We would like to state the following problems with the implementation by Belarus of Decision VI/8c of the Meeting of the Parties to the Aarhus Convention, part of which are systematic:

1. Significant changes have been made in the Belarusian legislation aimed at the implementation of Decision V/9c, however, these measures were being put in place until 2017. At the VI Meeting of the Parties to the Aarhus Convention, a number of recommendations of previous Meetings of the Parties were reiterated. The key provisions of Decision V/9c still remain unimplemented or partially implemented.

Thus, the concept of the “final decision” in relation to the Aarhus Convention has not been defined so

far in the Belarusian legislation.

1. In respect of recommendation 3 (c) (ii) of the Decision instructing Belarus to provide in its legislation the possibility for the public to submit comments directly to the relevant authorities that are responsible for taking decisions falling within the scope of Art. 6 of the Convention, it should be noted that in the implementation of this recommendation the problem of ambiguity in the legislation arises regarding the final decision permitting activities subject to EIA. In other words, it is unclear which authority is responsible for taking the final decision and whom the public can actually submit its comments. As a matter of practice, these decisions are often not taken by the authority that holds a public hearing.

2. As regards Decision VI/8c in terms of conclusions and recommendations on communication ACCC/C/2014/102, we believe that Belarus has not taken the necessary measures for the implementation thereof.

Thus, no practical measures were taken when it comes to persons recognized by the [Decision of the Parties](#), para. 4 as having been subjected to mistreatment, prosecution and persecution in violation of Art. 3, para. 8 of the Convention. Thus, Belarus entry ban for A. Ozharovsky has not been lifted, the court decisions on administrative penalties on Tatiana Novikova, Irina Sukhiy, Mikhail Matskevich were not revised.

The measures taken by Belarus to implement the recommendations of the Aarhus Convention Compliance Committee regarding Communication ACCC/C/2014/102 referred to in the letter of the Party [dated 30.03.2018](#), are, in our opinion, insufficient, as evidenced by the enduring law enforcement practice of persecution, mistreatment and punishment of environmental activists in Belarus thus far. Thus, as we mentioned earlier [in the information provided on 21.03.2018](#) referring to paragraph 7 of Decision VI/8c, in the city of Brest there are still cases of persecution and putting pressure on activists and local residents opposing to the construction of the LLC IPower factory that is to produce lead-acid car batteries who are exercising their rights under the Aarhus Convention.

Not only bloggers Sergey Petrukhin and Alexander Kabanov referred to in our communication dated 21.03.2018 and in the communication by [the Ministry of Natural Resources and Environmental Protection dated 30.03.2018](#) are facing persecution and mistreatment. The same treatment is experienced by other residents, activists, human rights defenders, journalists opposing the construction of the battery factory in Brest, covering the news about it and trying to exercise their rights under the Convention. Local activists are held administratively liable and punished with administrative arrests, fines; also there are cases of dismissal of activists, as well as defamation – the dissemination of information discrediting the honour and dignity of activists and human rights defenders who help the local residents.

Thus, from February 2018, every Sunday residents are gathering at Lenin Square in Brest and demanding the consideration of their opinion in taking the decision on the construction as well as a proper environmental impact assessment and human health impact assessment caused by the planned

production. This year, residents have filed applications to hold 24 meetings, 12 pickets and one demonstration, however, only one meeting was authorised and took place on April 29, the rest was not permitted each time under a new guise. In our opinion, this is a deliberate restriction of the right to peaceful assembly, and the inability to enforce this right casts doubt on the possibility of enforcement of rights of the local residents of Brest under the Convention. Mass gatherings were not permitted even during the International Lead Poisoning Prevention Week (October 21-27, 2018) initiated by the World Health Organization.

Persecution has become systemic in nature, more than a dozen people have been detained, prosecuted in the form of administrative arrest, subjected to massive fines this year. Meanwhile, the law on mass gatherings is used as a tool to put pressure and persecute activists and local residents.

3. To date, the action plan for the implementation of Decision VI/8 c on compliance by the Republic of Belarus with its obligations under the Aarhus Convention, referred to by the Party [in the letter dated 30.03.2018](#) has not been adopted. This action plan has not been discussed with the public, has not been subjected to a public hearing, it is impossible to find it in the public domain.

We ask the Compliance Committee to consider our comments in the evaluation of the Progress Report submitted by the Party on the implementation of Decision VI/8 of the Meeting of the Parties to the Aarhus Convention and give recommendations to the Republic of Belarus on taking measures aimed at the implementation of this decision.

On behalf of the Public Association Ecohome (Belarus),

Marina Dubina,
executive director

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