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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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***Ecohome NGO's comments on the implementation by Belarus of Decision VI/8c of the Meeting of the Parties to the UNECE Aarhus Convention in the framework of the Second Progress Report***

Ecohome NGO expresses its gratitude for the opportunity to comment on the implementation by Belarus of the Decision of the Meeting of the Parties to the Aarhus Convention VI/8c.

Since the adoption of Decision VI/8c by the Meeting of the Parties, Belarus has submitted the 2nd Progress Report on the implementation of recommendations, in which it confirms its commitment to fulfill the international obligations undertaken under the Aarhus Convention and sets out information on a number of events held in the country.

We are pleased that Belarus provides the Committee with answers on the questions regarding implementation of the recommendations and confirms its commitment to implement the provisions of the Aarhus Convention.

However, unfortunately, there has been no progress on the implementation of the recommendations set out in the Decision VI/8c of the Meeting of the Parties to the Aarhus Convention in 2017, which, inter alia, repeat the recommendations of previous Decisions. No steps aimed to implement the recommendations have been taken by Belarus since the time, when at 01.11.2018 we provided [comments](#) on the First Progress Report of Belarus.

Regarding Decision's VI/8c conclusions and recommendations from Communication ACCC/C/2014/102, we believe that Belarus has not taken measures to implement them. After the decision was made, we noted new cases of persecution of environmental activists in Belarus, who exercise their rights under the Convention. We informed the Committee about these cases in communications of [21.03.2018](#), [14.02.2019](#), [14.03.2019](#), [04.04.2019](#). This confirms the lack of progress in Belarus in preventing the practice of persecution of activists.

Also, as before:

— the national action plan on the implementation of Decision VI/8c on the observance by the Republic of Belarus of its obligations under the Aarhus Convention with approximate dates of its fulfilment, mentioned by the Party in a letter dated [30.03.2018](#), has not been adopted.

The public was not involved in the development and discussions of the draft plan and does not even know if any steps have been taken to develop it. Moreover, the public is not involved in the development of regulatory and other administrative and practical measures aimed at implementing the requirements of paragraph 3 (a) - (e), 6a of Decision VI / 8c; also, there was no public participation in the development of training and information programs aimed at fulfilling the requirements of paragraph 6 (c) of this Decision.

— Belarus did not provide any information on the results achieved in the implementation of the recommendations;

— no practical measures have been taken with respect to persons recognized by the Decision of the Parties (par.4) as being subjected to harassment, punishment and prosecution by Belarus in violation of par. 8 of article 3 of the Convention.

In particular, as the Committee pointed out in the [First Review](#) of the implementation of Decision VI/ 8c on Belarus's compliance with its obligations under the Convention in paragraph 90 d (ii) “Belarus confirm that it has lifted the entry ban on Mr. Ozharovskiy and cancelled the administrative offences against Ms. Novikova, Ms. Sukhiy and Mr. Matskevich”. However, this has not been done yet.

The information provided by Belarus does not indicate any measures undertaken to implement the recommendation of par. 6a “take the necessary legislative, regulatory, administrative, institutional, practical or other measures to ensure that members of the public exercising their rights in conformity with the provisions of the Convention are not penalized, persecuted or harassed for their involvement”.

With respect to paragraph 6b Belarus did not provide copies of letters from the Ministry of Natural Resources and Environmental Protection dated July 31, 2017 to the Ministry of Internal Affairs, the State Security Committee, the Supreme Court and the Ministry of Justice asking these bodies to disseminate the Committee's findings to all relevant employees in order to raise awareness of their responsibility to ensure their compliance with par. 8 of article 3 of the Convention.

The activities indicated by Belarus in par. 6 of the [Report](#) cannot be considered as measures aimed at implementing paragraph 6.c of the Decision, since none of these measures were carried out for police officers, security forces and judicial authorities (according to information provided by the Party from [10.01.2019](#)). Belarus did not provide information for these events according to par. 90f of the [First Review](#) of the Implementation of Decision VI/8c, including “to provide detailed information on the training and information programmes for police, security forces and the judiciary it has by then carried out. Such information should include: (i) the specific content of the trainings, including the detailed programme with the titles of the presentations delivered; (ii) the organizers of the trainings and professions and relevant experience of trainers and speakers; (iii) the number and rank of police and security force personnel that have attended the trainings and the town or region in which each is based; and (iv) the number of judges who have attended the trainings and in which court and town or region each judge sits”. In fact, these activities were carried out “on clarification of legislation on state environmental impact assessment”, “report on the Aarhus Convention”, instead of the indicated activities related to the prevention of prosecution of activists. Thus, we believe that the activities that Belarus indicates in par. 8 of the report are important educational activities for popularizing the provisions of the Aarhus Convention, but they are not aimed at direct fulfilment of paragraph 6c of the Decision.

Earlier, in a [statement](#) dated March 30, 2018, Belarus reported that the Ministry of Natural Resources was working on the preparation of educational and informational programs as part of the internal

training of personnel of the internal affairs bodies on compliance with par. 8 of article 3 of the Aarhus Convention. However, hereafter, Belarus did not provide information on the results of this work as well as information on the implementation of these programs.

Regrettably, we note the systematic failure by Belarus in implementation the Decision of the Meeting of the Parties to the Aarhus Convention VI/8c, since all the steps are not aimed at direct implementation of the Recommendations of Decision VI/8c and information about the real progress has not been provided.

Special attention should be paid to the practice during the reporting period, which shows ongoing and aggravating violations of the Convention in relation to the construction of the Belarusian Nuclear Power Plant (BelNPP). This practice evoke our deep concern, since the decision VI/8c is based on the cases of Convention violations related with BelNPP construction. Today the violations of the Convention are already systematic in nature and are manifested both in ignoring the obligations of the convention in decision-making and in refusing to provide information to the public.

Thus, in August 2019, the BelNPP Spent nuclear fuel (SNF) Management Strategy was adopted, without public discussions of the Strategy text . The only document in relation to which the public discussion procedure was initiated was the Strategic Environment Assessment (SEA) of the EIA Strategy. However, the text of the Strategy itself was not provided for public discussions and was not provided to the public for review before its approval.

The second precedent is the National Action Plan (NAP) for Stress Tests of BelNPP. The process of involving the public in the discussion of this plan was not properly organized. And also the draft of the National Action Plan was not provided to us.

We express our deep concern about the lack of any results achieved by Belarus in the fulfilment of Decision VI/8c and ask the Committee, within the framework of the Second Review of the Implementation of Decision VI/8c on Belarus to recommend that Belarus should undertake urgent, decisive and practical steps to unconditional implementation of the recommendations of Decision VI/8c of the Meeting of the Parties.

Including:

— take practical measures to restore the right to an effective remedy for individuals recognized by MoP Decision on Communication ACCC/C/2014/102 (par. 4) as being subject to harassment, punishment and persecution by Belarus in violation of par. 8 of article 3 of the Convention, namely: cancel the entry ban on Andrei Ozharovsky and review court decisions against Tatyana Novikova, Irina Sukhiy and Mikhail Matskevich.

— take decisive steps to prevent the persecution of environmental activists in Belarus who exercise their rights under the Convention.

— recommend Belarus to provide an earlier Progress Report not only on steps taken to implement the recommendations, but also on the results achieved.

Executive director  
Marina Dubina