

Statement from Ecohome at 63th Compliance Committee meeting

Dear Mr Chairman and members of the Committee,

We regret to notice that Belarus has not taken appropriate action to implement the recommendations of Decision VI/8c.

Despite the fact that the Ministry of Natural Resources and Environmental Protection of Belarus informed the Committee on 3rd March 2018 that “the development of the action plan on the implementation of Decision VI/8c is underway,” until now we have not only been unaware of a formation of such a plan, but also of the discussion thereof with the public.

In respect of individual recommendations (in particular, paragraph 2 f-h of Decision VI/8c), we are still concerned with the fact that Belarus has not introduced in its legislation the definition of what should be regarded as the final decision, which in effect results in several problems.

Regarding the law enforcement practice.

3.1. We are concerned by the persisting cases of denial on excess environmental information to the public upon request that are becoming more frequent.

These are cases of denial by the Centre for State Environmental Expertiza to provide conclusions of an environmental expertize to the public on various pretexts. But most alarming is the position of the Ministry of Natural Resources and Environmental Protection in the response to the claim of a resident for the compulsion to provide the state environmental expertize conclusion issued for the Svetlogorsk pulp and cardboard mill. The document reads: “the conclusion of the state environmental expertize is not environmental information.”

3.2. In 2018-2019, state agencies have not granted access to and directly denied the provision of documents to the public substantiating the environmental safety of the Belarusian nuclear power plant, as well as access to information on environmental risks listed in the SEA of the Spent Nuclear Fuel Handling Strategy of the Belarusian NPP on the grounds that these documents are the intellectual and commercial property of some party.

3.3. Belarus has not taken any practical measures to improve the situation with the persecution of environmental activists or to remedy the violations that formed the basis for case ACCC/C/2014/102.

This includes persons who, as observed by para. 4 of Decision VI/8, were subjected to persecution in Belarus in violation of para. 8 of Article 3 of the Convention. Thus, the decision of the Belarus entry ban regarding Andrei Ozharovsky, the decisions of the imposition of administrative sanctions against Tatiana Novikova, Irina Sukhiy, Mikhail Matskevich have not been revised.

Moreover, in effect, we see a significant increase in the pressure on environmental activists.

Our special concern is the systematic practice of persecution of Brest activists criticising the construction of a battery factory. We briefed the Committee about the harassment instances in our letters dated 21.03.2018, 01.11.2018 and 14.02.2019. Since our last communication, the Leninski District Court of Brest have fined human rights defender Vladimir Velichkin 150 euros and criminal case have been initiated against activist Aleksandr Kabanov under part 1 of Article 211 of the Criminal Code (“misappropriation or embezzlement” concerning his job a few years ago); searches have been conducted at his place and in the homes of his parents and his partner. We guess a

criminal case opening as one more tool of pressure on Mr Kabanov for his activities against battery factory construction.

Also Brest City Executive Committee continues to prohibit the meetings against the construction of the battery factory near Brest, all *filedum 2019 33* requests for mass events in the city of Brest and 11* in Brest district were dismissed, even after came into force of new edition of Mass Events Law (26 January 2019)*.

Therefore, we believe that Belarus does not take real measures to prevent harassment of activists and to ensure their rights provided by the Convention, including the enforcement of the right to peaceful assembly and to freedom of expression on environmental issues.

In our opinion, Belarus has not yet introduced measures for compliance with both the provisions of the Aarhus Convention and Decision VI/8c of the Meeting of the Parties.

*Information provided by local activists

14.03.2019