

Dear Chairperson and members of the Committee,

we express our gratitude for the opportunity to provide comments to the letter dated 08.11.2021 from Belarus concerning the Supplementary Report of the Committee on the compliance of Belarus with its obligations under the Convention.

Regarding the information [submitted by Belarus on the Report](#), we would like to make the following comments:

1. In the letter of the Party in the comments to paragraph 15, it is stated that "The Public association did not submit the lists of active members as of 01.07.21 and the documents confirming its legal address". This information is untrue for the following reasons:

1.1. As part of the verification measures, the Ministry of Justice, in its letter dated 22.06.2021, requested from the Public Association Ecohome documents on its activities (see the request for documents and information from the Ministry of Justice in Annex 1), asking to provide literally the following:

- documents confirming the legal address of the public association;
- list of members of the Public Association Ecohome as of 01.07.2021.

On 09.07.2021, Public Association Ecohome answered the Ministry of Justice with the following: a copy of the Gratuitous Use of Non-Residential Premises Agreement dated 01.01.2020, the Act of Acceptance and Transfer of Non-residential Premises dated 05.01.2020, and the List of Members of Ecohome as of 01.07.2021, containing the first name, last name, and residence region of each member of the organisation.

It should be noted that the legal address of the organisation is specified in the Articles of Organisation of Ecohome, and amendments to the Articles of Organisation are registered by the Ministry of Justice. Thus, the changes made to the Articles of Organisation of Ecohome NGO in terms of the change of the legal address were registered by Decision No. 167 of the Ministry of Justice dated 14.08.2018. Therefore, when the Ministry of Justice registered the changes to the Articles of Organisation of Ecohome NGO concerning the legal address, we had provided all the necessary documents and they were sufficient to confirm the legal address of Ecohome NGO by the Ministry of Justice and register the amendments to the Articles of Organisation.

The legislation of the Republic of Belarus does not establish a list of documents confirming the existence of a legal address, nor does it establish the form of a list of members of a public association (there is a standard form of a list of founders of a public association, but the use of this form is mandatory only when submitting documents for registration of a new public association). The Ministry of Justice did not specify in the request what kind, in what format (form), and what scope of the documents are requested, "the request was formulated in too generally a manner".

Having received the submitted documents, the Ministry of Justice did not clarify anything, but on 13.07.2021, it imposed a Warning with an unreasonable time limit for its execution (till 20.07.2021), while the time for delivery of the documents by mail was not taken into account.

On 22.07.2021 the Ecohome received the Warning with which it disagreed, as it considered the grounds for the warning to be unreasonable and not complying with the current legislation of the Republic of Belarus, and therefore failed to execute the requirements thereof.

On 26.07.2021 Ecohome NGO sent an e-mail to the Ministry of Justice explaining the reasons why it was impossible to send a response within the prescribed period and substantiated its position of disagreement with the warning issued.

Also, Ecohome appealed the Warning to the Supreme Court (see the text of the complaint to the Supreme Court in Annex 2) due to disagreement with it, which is the right of the organisation as stipulated by law.

It should be noted that the legislation of Belarus provides a one-month term for appealing to the Supreme Court a written warning issued to a republican public association. The legislation does not oblige a public association to immediately execute the warning. On the contrary, in case of disagreement with the arguments of the registering authority, the NGO has the right to appeal to court (which Ecohome NGO did) and, accordingly, not to execute the warning until the decision of the court comes into force.

The deadline for appealing to the Supreme Court was 22 August 2021. However, already on 26.07.2021, the Ministry of Justice filed a claim on liquidation of the Public Association Ecohome.

Thus, this sequence of actions indicates the initial intentions of the state bodies to liquidate the Public Association Ecohome.

2. Regarding Belarus' letter concerning the conclusions and recommendations, we would like to note the following:

The Party notes that "the state was forced to take such a drastic step given the systematic violation by Ecohome of national legislation". We do not agree with the assertion of a "systematic" violation of national legislation by Ecohome, as we are talking about a single inspection.

Also, the cooperation with the Ministry of Natural Resources and Environmental Protection, as well as with any other state body, is a right, not an obligation of public associations.

The references to the online publications presented by the Party as proof of Belarus' position of disagreement with the Report are not relevant to the liquidation process of Ecohome NGO. Any citizen, as well as members of a public association, have a right to independently determine their political views and exercise their civil and political rights (as well as rights stipulated in the Aarhus Convention). Publications on the Green Portal mentioned by the Party (interviews with representatives of two Brest organisations, which have already been liquidated) or on the personal Facebook page of Anastasia Bekish (who is not a representative or a member of the Public Association Ecohome), are not relevant to the matter as to the reasons of liquidation of the Public Association Ecohome.

The above-mentioned shows that the decision to liquidate the Ecohome NGO has nothing to do with compliance or non-compliance with the legislation on public associations' activities, and a liquidation process is a form of persecution.

We hope that steps will be taken to implement the Decision VII/8c of the Meeting of the Parties on Belarus' compliance with its obligations under the Convention.

18.11.2021

Sincerely yours,
Marina Dubina

ex-executive director
NGO Ecohome