

PUBLIC OPINION AND DEATH PENALTY IN BELARUS

OPENING REMARKS

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Ladies and Gentlemen,

I would like to welcome you on behalf of the Council of Europe to this conference on public opinion and the death penalty in Belarus. It is being organised under the framework of the EU/CoE project “Strengthening the right to a fair trial in the Belarus criminal justice system”. This event is the result of the thorough dialogue that we have had with the Belarus authorities for some time as to how best to support them and you in bringing about the abolition of this penalty in a way that is consistent with Belarus’ historical and political path.

We have heard very clearly the message from the authorities over the years that it is pointless to put pressure on Belarus to rush towards abolition, something echoed most recently by the President of the House of Representatives, Mr Vladimir Andreychenko, during his last meeting with the EU’s Ambassador Andrea Wiktorin. As Mr Andreychenko made clear, Belarus needs time to bring about this reform and it will do so of its own accord.

The Council of Europe has been working for twenty years with Belarus on the question of the abolition of the death penalty, one of the top priorities for our Organisation. The main argument that has been presented to us to explain why death penalty could not be easily abolished here was the result of the 1996 referendum, in which the majority of the voters said that they were in favour of keeping this punishment. At the same time, we have organised together many events in Minsk and in the regions to present the arguments for getting rid of what is an inhuman and inefficient punishment. This is an issue on which we have worked with all stakeholders concerned, including the executive authorities, the parliament, the judiciary, the prosecution, the civil society, including

representatives of the religions. In the light of this, I can say with confidence that it has long been clear that there are no legal obstacles to abolition.

In these last twenty years, there have been positive developments regarding the issue of abolition. Three are worth highlighting. Firstly, the Criminal Code in 1997 made provision for the imposition of life sentences when previously the highest possible sentence other than the death penalty was twenty years' imprisonment. Secondly, in 2004 the Constitutional Court said that the death penalty was a temporary punishment that should ultimately be abolished, quoting the European Convention on Human Rights. Thirdly, in 2010 the then chair of the Parliamentary working group of the National Assembly of the Republic of Belarus on the Study of the Issue of the Death Penalty said that it was not a question of "whether" but "when" Belarus would abolish capital punishment.

There have also been many setbacks in the path to abolition. Notably, the sentencing of persons to capital punishment and the replacement of prison sentences by the death penalty following appeals made by prosecutors. Above all in this regard have been, of course, the actual carrying out of such sentences, with this being done always in secrecy, violating the most basic rights of human dignity of the persons convicted and their relatives.

Each time this occurred was a source of great disappointment for the Council of Europe and for others such as the EU. However, despite that, it is important to emphasise that the dialogue never stopped and that we have continued to encourage our Belarus partners to move towards abolition.

I believe that many of you have attended the conferences and seminars where the top European experts shared their experience, explaining that penal policy should be separate from public opinion and that political leaders should lead the people on questions of principle, such as on the abolition of the death penalty. These experts also have shown how a de facto moratorium could be established, if prosecutors stopped requiring death sentences, and judges stopped handing them down.

The mere abolition of the death penalty is not, of course, a sufficient objective for reform. That is why, last year we organised a seminar regarding both the legal aspects of abolition and what should happen after this occurs. The latter is especially important to ensure not only that the criminal justice system is fair and efficient but also that it moves away from being retributive and focuses on taking care of the rights of both victims of crimes and those convicted for them.

We all know that nobody under the age of 41 took part in the 1996 referendum and that many of those who voted in it are now dead. This means that the majority of people in Belarus today did not take part in this vote. Thus, referring to its results does not necessarily reflect the current views of Belarusian society on the death penalty, even if we consider the survey which was held in 2017.

Having said that, thanks to the continuous dialogue we have had over the years, we have accepted – even if we do not necessarily agree with it – that for the Belarus authorities, the views of Belarusian society on this question do count. So, this is what brings us here today, to discuss ways to intensify the work with public opinion through the mainstream media and through other means of public outreach.

Historically, public opinion has never been the driver for abolition. However, maintaining legitimacy in the policies of the country is undoubtedly important. As all studies show, including the survey which was carried out by Penal Reform International in Belarus in 2013, the less people know about the topic, the more they are in favour of keeping the death penalty. Studies have also shown that attitudes to sentencing become less punitive when people are provided with fuller information. This is even more evident when such information is combined with dialogue. Therefore, it is important to underline the vital role of the media in providing reliable information on the issue of capital punishment and its application so that the public becomes less uninformed or is not misinformed. This also extends to the way serious crimes, such as serial murders, terrorism or crimes against children, are being reported by journalists.

Today, we will not discuss ways through which abolition of the death penalty should be achieved.

What we would like to see as an outcome of this conference is a road map, agreed to by the authorities and the representatives of the media and the civil society present today, as to how to work together to ensure that the public in Belarus gets reliable and relevant facts about death penalty and its application. Whether this is to be achieved through some form of campaign or other means is a matter for discussion. In any event, the success of any such efforts depends on the strong and vocal position against the death penalty of those in Belarus who are currently in charge of promoting the topic within society and who can lead, by their official status, any dialogue in this respect. I am talking about the MPs who form the Working Group on abolition, and personally its Chairman. To help identify the best approach in this regard, I am delighted that we will benefit from the insights from three highly experienced Council of Europe experts, Mr Titus Corlătean, Ms Nona

Tsotsoria and Ms Galina Arapova, who will be introduced to you more thoroughly later. We are also very grateful to the United Kingdom for having ensured Parvais Jabbar's participation in today's discussion.

I would like to express my deepest gratitude to Mr Naumovich and the Ministry for Foreign Affairs of the Republic of Belarus, for their committed cooperation with the Council of Europe on this issue.

I very much hope that this conference will lead the way to ultimate abolition of the death penalty in the Republic of Belarus, so that we can step up our relationship and move to another level and nature of connection between your country and the Council of Europe.

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