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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

**in co-operation with
THE CONSTITUTIONAL COURT OF BELARUS
AND
THE SLOVAK EMBASSY IN MINSK**

**in the framework of
THE SLOVAK PRESIDENCY
OF THE COMMITTEE OF MINISTERS**

SEMINAR ON

“The use of international instruments for protecting individual rights, freedoms and legitimate interests through national legislation and the right to legal defence in Belarus: challenges and outlook”

**Minsk, Belarus
24 April 2008**

SYNOPSIS

In the framework of the Slovak Presidency of the Committee of Ministers of the Council of Europe, the Constitutional Court of Belarus, the Venice Commission and the Slovak Embassy in Minsk organised a Conference on “The use of international instruments for protecting individual rights, freedoms and legitimate interests through national legislation and the right to legal defence in Belarus: challenges and outlook” (Minsk, 24 April 2008). The participants included the Chairman and Judges from the Constitutional Court of Belarus, former (pre-1997) judges of the Court, the Vice-President of the Supreme Court, the Prosecutor General, the Deputy Ministers of Justice and Foreign Affairs, academics and the Belarus Helsinki Committee.

The international participants highlighted the importance of international human rights treaties and especially that of the European Convention on Human Rights as applied by the case-law of the European Court of Human Rights.

The presenters from Belarus insisted that international instruments in the human rights field were already part of the legal order in Belarus and had direct effect together with the Constitution. The judges of the Constitutional Court of Belarus presented relevant case-law, which referred to international instruments including the European Convention on Human Rights even though Belarus is not yet a party to the Convention. The case abolishing the propiska system, which had limited the right to take residence in other parts of the country, was cited as a key decision referring to international instruments.

The Chairman of the Constitutional Court agreed to reflect, together with the Belarus Helsinki Committee, on how the Opinions of the UN Committee on Human Rights (now Human Rights Council) could be implemented.

Accession of Belarus to the Council of Europe was discussed at various stages of the Conference and the Secretary of the Venice Commission emphasised that Belarus was part of Europe and should eventually join the Council. However, concrete steps were required on the path to future accession. Co-operation with the Venice Commission could be pursued if the Belarus authorities are prepared to make requests for opinions in relevant fields (e.g. on the registration of NGOs or widening the access to the Constitutional Court).