



Protecting political freedoms and human rights in post-soviet Eastern European countries

Introduction

Following the collapse of the Soviet Union in 1991, a state of political, economic, and social disarray was accompanied by a renewed hope for improved human right conditions in Russia and the former Soviet Republics. However, transitions toward more democratic forms of governance and market economies have faced many obstacles, and have not necessarily facilitated the protection of such rights.¹

Acutely problematic during Soviet times, rights of women, sexual minorities, and disabled people, continue to be denied in post-Soviet Russia. Arguably, these problems are worsening as the operation of NGOs, freedom of speech, and representation in civil society become increasingly curtailed. An assemblage of topics such as changes in gender identity, employment issues, healthcare, and public and private violence present a comprehensive image of gender inequality as a larger social and political human rights problem.

Lack of access to quality health care is perhaps one of the most all-encompassing human rights issues facing the region today, as social discrimination, corruption, and poverty all come into play. In an extended overview of some of the main health problems afflicting Russians in particular, issues such as alcoholism, smoking, HIV/AIDS, and a number of preventable diseases are viewed in light of their contribution to Russia's rapidly declining population.

The purpose of this committee is, however, to discuss human rights in the light of political freedoms and although the topic of the quality of health care is surely an important one and is in many cases directly or indirectly intertwined with our purpose, this paper will now focus more closely on human rights related to the political freedoms of post-soviet Eastern European countries.

Moreover, the definition of the area of our focus needs to be determined. On December 25, 1991, the Soviet Union has officially ceased to exist. Numerous republics, formerly part of the Soviet Union, had been declaring their independence prior to this date and their final count rose up to 15 new independent states, including the Russian Federation. 3 of the newly created states that pertain to our

¹ Nowakowski, A. *Human Rights in Russia and the Former Soviet Republics* [online]. Denver University. Available from: <https://www.du.edu/korbel/hrhw/researchdigest/russia/russia.pdf>

topic are: Belarus, Republic of Moldova and Ukraine. These newly independent post-soviet Eastern European states each face many issues with the regard to their democratic transitions and the development of the country as a whole. Furthermore, it is necessary to note that the Russian Federation is playing a more or less important political role in all three countries and therefore its domestic and foreign policies are often visibly reflected in those of Minsk, Chişinău and Kiev.

Finally, this paper is going to illustrate how the HRC copes with the problems presented in the three aforementioned countries by showing some examples of complaints to the HRC by the Belarusian, Moldovan and Ukrainian citizens whose full texts will be accessible through the links in 'Further reading'.

Human Rights in Post-soviet Eastern Europe

As the main subjects of our topic, Belarus, Republic of Moldova and Ukraine, have been narrowed down, this chapter is going to elaborate on each of these nation-states individually, addressing the most important issues.

Belarus

Before talking specifically about the Belarusian situation, it is necessary to mention that one of the guest speakers of the conference will be Ales Michalevic who plays an important role in the Belarusian opposition. He represents a new political stream as he ran for president in the 2010 presidential elections after which he was arrested and imprisoned for several months. In the spring of 2011 he was granted political asylum in the Czech Republic and is currently gaining support among the international communities.

Belarus, as one of the founders of the UN, is a participant of most of the international human rights instruments and aspires to fully comply with its international obligations in this sphere. In May 2010, Belarus has successfully passed the Universal Periodical Review (UPR) — an ongoing mechanism of the main UN human rights agency — the UN Human Rights Council, created for the purpose of systematic and comprehensive analysis of the situation in the sphere of human rights in all UN member states. Interactive discussion within the framework of the UPR of Belarus demonstrated high interest in the experience of Belarus in the sphere of the whole complex of human rights. Over 30 states, representing all regions of the world, clearly and unequivocally approved the policy of the Belarusian state on the motivation and protection of human rights. UN member states highly appreciated the success of Belarus in the sphere of providing social and economic rights, including the right to education, health protection, social protection, gender equality, state support of the family, motivation of children's rights. On the international arena, Belarus implements a multifaceted foreign policy

that best corresponds to the goals of national development.²

The Belarusian constitution³ which was drafted in 1994 and later amended twice guarantees the following rights to the people of Belarus:

- the right to health treatment (free in state institutions)
- the right to social welfare for the elderly, sick, disabled and non-earning households
- the right to a free general education for all
- the right to free professional technical training

However, this short list of human rights guaranteed by the state, clearly does not include many of the human rights usually entrenched in the constitutions of democratic states around the world. Therefore, Belarus has been a subject to sharp criticism. Since his election of Belarus' first president in July 1994, Aleksandr Lukashenko has steadily consolidated his power through authoritarian means. Government restrictions on freedom of speech and the press, peaceful assembly, and religion remain in place.

The United Nations Human Rights Council noted that the Belarusian political system is incompatible with the concept of human rights and furthermore is one of authoritarian rule that deliberately ignores the basic human rights.

Republic of Moldova

The condition of human rights in Moldova has come under scrutiny in recent years, and human rights organizations within Moldova and around the world have spoken out against what they feel to be unfair suppression of the independent media, as well as other abuses. In 2009, when Moldova experienced its most serious civil unrest in a decade, several civilians were killed by police and many more injured. According to Human Rights Report of the United States Department of State, released in April 2011, "In contrast to the previous year, there were no reports of killings by security forces. During the year reports of government exercising undue influence over the media substantially decreased."⁴

Moreover, a serious demographic problem in the Republic of Moldova also consists of the Romanian, Russian and Ukrainian minorities, while the de facto autonomous region of Transnistria concerns the two latter ones. Nevertheless, all minorities mentioned above are being discriminated against which creates tensions between the state government of Moldova and the government of Transnistria based in Tiraspol.

² Belarus • Facts. *Belarusfacts.by* [online]. Available from: http://belarusfacts.by/en/belarus/politics/foreign_policy/multilateral/ [Accessed 2014-04-17]

³ *Official website of the Republic of Belarus* [online]. Available from: <http://www.belarus.by/en/government/constitution> [Accessed 2014-04-17]

⁴ 2010. 2010 Human Rights Report: Moldova. *State.gov* [online]. Available from: <http://www.state.gov/j/drl/rls/hrrpt/2010/eur/154439.htm> [cit. 2014-04-17]

Ukraine

As the political situation escalated enormously only in recent months, the presented data (in further reading) and the majority of the opinions is based on the situation of the country which preceded the civil unrest, needless to say that the pre-conflict human right conditions were much better and, indeed, were on a very good level in comparison with the other post-soviet republics.

Ukraine had been labeled as "free" by organizations such as Freedom House in recent years. In their 2009 report on Ukraine they stated: "Ukraine has one of the most vibrant civil societies in the region. Citizens are increasingly taking issues into their own hands, protesting against unwanted construction, and exposing corruption. There were no limits seen on NGO activities. Trade unions function, but strikes and worker protests were infrequently observed, even though dissatisfaction with the state of economic affairs was pervasive in the fall of 2008. Factory owners were seen as still able to pressure their workers to vote according to the owners' preferences." On October 20, 2009, experts from the Council of Europe stated that "in the last five years the experts from the Council of Europe who monitor Ukraine have expressed practically no concerns regarding the important formation of a civil society in Ukraine. Ukraine is one of the democratic states in Europe that is securing human rights as a national policy, as well as securing the rights of national minorities."

After the early 2010 election of President Viktor Yanukovich, international organizations started to voice their concern. According to Freedom House, "Ukraine under President Yanukovich has become less democratic and, if current trends are left unchecked, may head down a path toward autocracy and kleptocracy." Among the recent negative developments, they mentioned "a more restrictive environment for the media, selective prosecution of opposition figures, worrisome intrusiveness by the Security Service of Ukraine, widely criticized local elections in October 2010 ... and erosion of basic freedoms of assembly and speech." This led Freedom House to downgrade Ukraine from "Free" to "Partly Free" in "Freedom in the World 2011. Also, in 2011 Amnesty International spoke of "an increase in the number of allegations of torture and ill treatment in police custody, restrictions on the freedom of speech and assembly, as well as mass manifestations of xenophobia."⁵⁶

Conclusion – what needs to be addressed?

The subject of human rights makes up an extremely important substance of the essential values of the international community. Human life and individual freedom are perceived as the greatest gift a person could have. The world has been trending

⁵ 2011. Radio Liberty: Amnesty International notes worsening of human rights situation in Ukraine. [online]. Available from: <http://www.kyivpost.com/content/ukraine/radio-liberty-amnesty-international-notes-worsenin-104315.html> [cit. 2014-04-17]

⁶ As of 17 January 2013 Ukraine lost all of its 211 cases at the European Court of Human Rights.

towards awarding more and more personal freedoms, which, however, are entangled with equivalent personal responsibilities.

The situation in the post-soviet Eastern European countries is a complicated one. Until recently, Ukraine seemed to be approaching the “Western” standard of protecting human rights. Nonetheless, the political leadership changed and altered the course of the country significantly. Since then, the situation concerning the protection of the human rights has deteriorated.

The Republic of Moldova, as the poorest European country, has got many problems with its minorities and the protection of human rights seems somewhat as a secondary issue. Despite these great issues, the situation is not as bad as it is in Belarus, where the case of Ales Michalevic serves as a perfect example.

How is it possible that Belarus, under such pressures from the international community, still violates human rights? How can the international community approach this problem better? Why does the situation in Ukraine worsen every day? It is understood that because of the Russian intervention on Crimea, the odds of Ukraine are unknown and it is hardly possible to predict them. However, a MUN conference is exactly for trying out new hypotheses and discussing problems directly with the opponents and the PORGMUN team believes that it will bring you, honorable delegates, a fruitful debating weekend.

This paper only outlined the necessary areas of knowledge which need to be addressed by the delegate. Further reading offers many more opportunities to educate oneself and to come well prepared to the conference.

Further Reading

1) Concluding observations of the HRC

Here’s the link to the database of *concluding observations*:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=5

from which I recommend reading an *observation* from:

Belarus (unfortunately a little bit outdated – 1997)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f79%2fAdd.86&Lang=en

Republic of Moldova (2009)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fMDA%2fCO%2f2&Lang=en

and **Ukraine** (2013):

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUKR%2fCO%2f7&Lang=en

2) Jurisprudence of the HRC

I recommend these two documents which interestingly depict the appeals of citizens from post-soviet countries to the HRC. The view of the HRC is clearly presented as a response to each of the complaints.

The example of Vladimir Sekerko and the denial of a peaceful meeting in Belarus:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f109%2fD%2f1851%2f2008&Lang=en

The example of D.V. Bulgakov regarding his name change in the process of "Ukrainianization" in the then-Ukrainian autonomous republic of Crimea:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f106%2fD%2f1803%2f2008&Lang=en

3) Belarus – reports from various international organizations

Human Rights Watch: <http://www.hrw.org/europecentral-asia/belarus>

Amnesty International: <https://www.amnesty.org/en/region/belarus>

4) Republic of Moldova - reports from various international organizations

Human Rights Watch: <http://www.hrw.org:8080/europecentral-asia/moldova>

Amnesty International: <https://www.amnesty.org/en/region/moldova>

5) Ukraine - reports from various international organizations

Human Rights Watch: <http://www.hrw.org/world-report/2013/country-chapters/ukraine>

Amnesty International: <http://www.amnestyusa.org/our-work/countries/europe/ukraine>

6) International Covenant on Civil and Political Rights

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

7) The Universal Declaration of Human Rights

<http://www.un.org/en/documents/udhr/>