

March 22, 2024

To: Special Rapporteur on toxics and human rights

Information subject: **Pollution Information Portals and the right to know: Strengthening access to information on releases of hazardous substances**

Provided by: Public Association Ecohome, Belarus

1. The Republic of Belarus is not a Party to the Kyiv PRTR protocol to the Aarhus Convention. During long years a various programs have been implemented with international support to study the possibility of Belarus to join the protocol and the preparation of the legislative framework. Also, in 2014-2016, a pilot project was implemented in Grodno region, in which the data of more than 30 industry plants of Grodno region were posted on the website of the National Register of Pollutants. However, when the project was over, this database is no more available.
2. On July 18, 2022, a decision was made by Belarus to withdraw from the Aarhus Convention¹, which guarantees for public access to environmental information and public participation in the environmental decision making and also provides access to justice for restitution and protection of violated rights. Withdrawal of Belarus from the Convention gravely worsened the situation with the implementation of mentioned environmental rights, since now they are regulated exclusively by national legislation and the public of Belarus, in case of violation, cannot be under protection of the Compliance Committee or Special Rapporteur on environmental defenders under the Aarhus Convention. The consequences of leaving the Convention can lead to a reduction in transparency and public control over environmental policy and activities that affect condition of environment.
3. Before the withdrawal of Belarus from the Aarhus Convention, an Aarhus Centers were established and functioned, assisting public and legal entities on access to environmental information, assistance to state bodies to fulfill their obligations to exercise public right to access environmental information. In December 2022, the Center for Environmental Information was established in Belarus, which, according it's regulation, should now perform similar functions².
4. As part of the implementation of the provisions of the Aarhus Convention until 2020, various steps were taken to improve access to environmental information - a change in legislation, conducting educational measures for public servants and holders of environmental information. However, despite the procedure regulated by law, there are still certain

¹ On the withdrawal of the Republic of Belarus from the international treaty.

President's Decree nr 247 on 18 July 2022 <https://president.gov.by/ru/documents/ukaz-no-247-ot-18-iyulya-2022-g>

²<https://www.ecoinfo.by/%d0%be-%d1%86%d0%b5%d0%bd%d1%82%d1%80%d0%b5/%d1%80%d1%83%d0%ba%d0%be%d0%b2%d0%be%d0%b4%d1%81%d1%82%d0%b2%d0%be/%d1%81%d0%b5%d0%ba%d1%82%d0%be%d1%80-%d1%80%d0%b0%d0%b7%d0%b2%d0%b8%d1%82%d0%b8%d1%8f-%d1%8d%d0%ba%d0%be%d0%bb%d0%be%d0%b3%d0%b8%d1%87%d0%b5%d1%81%d0%ba%d0%be%d0%b3%d0%be-%d1%82%d1%83%d1%80%d0%b8/%d1%86%d0%b5%d0%bd%d1%82%d1%80-%d1%8d%d0%ba%d0%be%d0%bb%d0%be%d0%b3%d0%b8%d1%87%d0%b5%d1%81%d0%ba%d0%be%d0%b9-%d0%b8%d0%bd%d1%84%d0%be%d1%80%d0%bc%d0%b0%d1%86%d0%b8%d0%b8>

difficulties in its implementation. That is primarily due to sense of justice exercising by state actors and environmental information holders, which interpreting restrictively legislation³.

5. Belarus declares adherence to sustainable development goals, in particular, SDG 16.10 (access of public to information). But declared in legislation rights and ways of implementation often is difficult to exercise in reality. Another grave problem in Belarus, which also impedes the achievement of SDG 16, is totally rule of law absence⁴.

6. There are no Pollution Information Portals in Belarus which provides open access to data on releases of hazardous substances.

Two sources provides online access to environmental information which is more or less relevant to pollution releases:

- a United Register of Environmental Information by Public Fund of Environmental Situation and Impact⁵ – provides a list of environmental information options (including pollution), it's holders, form (paper based or electronic) and access conditions (available online or by request). 98 % of listed information available by request only. The webpage belongs to Ministry of Natural Resources and Environmental Protection of Belarus

- another register is placed on the Public Statistics Portal⁶ and provide different kinds of environmental statistic information – on biodiversity, waters, air etc. and also about some kinds of pollution as air pollution, sorted by elements (Pb, CH₄, Cd, NH₃), sources (industry, agriculture), quantity and years.

Both portals provides information in Russian language only.

7. Civil society in Belarus facing serious obstacles on access to relevant environmental information due to restrictions on NGO and independent media activity. Since 2021 till nowadays in Belarus were liquidated or forced to dissolving 116 NGOs which works for environment or have an environmental-related activity.

On October 17, 2022 environmental NGO Ecohome was declared as an „extremist formation“ by State Security Committee (KGB) ” and added to a „List of organizations, formations, individual entrepreneurs involved in extremist activities“. In fact, any interaction with such a “formation” may be a ground for the criminal prosecution of citizens, initiatives, activists who want to exercise their environmental rights, which forces them to be afraid to cooperate with Ecohome or other NGOs.

Two informational portals of environmental NGOs – Ecohome and Green Portal (greenbelarus.info) are locked for access from the territory of Belarus by authorities as well social networks profiles of these NGOs are recognized as extremist materials

According to Belarusian legislation, the distribution, producing, publication, storage and transportation of "extremist materials" is prohibited. Violation of these norms may entail administrative liability in accordance with Article 19.11 of the Code of Administrative Offenses of the Republic of Belarus, with a maximum sanction of 15 days of administrative arrest or a fine.

8. The existing conditions seriously restricting public access to information and the ability to participate in environmental decision making in Belarus. The repressive surrounding may

³ Shadow Implementation Report of the Aarhus Convention in the Republic of Belarus 2017-2021
https://ecohome.ngo/wp-content/uploads/2021/10/SR_Aarhus-Convention_Ecohome_eng_2021.pdf

⁴ Belarusian Civil Society Report on Sustainable development goals implementation
<https://tsikhanouskaya.org/en/news/c5f09a89a478bf8.html>

⁵ <https://www.minpriroda.gov.by/uploads/files/Svodnyj-reestr-ekologicheskoy-informatsii-2022.pdf>

⁶ <https://www.belstat.gov.by/ofitsialnaya-statistika/makroekonomika-i-okruzhayushchaya-sreda/okruzhayushchaya-sreda/sovmeznaya-sistema-ekologicheskoy-informatsii2/>

undermine public supervision of the environmental policy pursued by the state, and contribute to the further deterioration of the environmental situation in the country. There are no relevant information provided by public portals about such dangerous pollution sources as Svetlogorsk pulp and paper factory (methylmercaptane air pollution and water pollution of Berezina river by sodium hydroxide (NaOH) which reach further Dnipro river in Ukraine and was a subject of Ukrainian government note in January 2019), Breat Lead battery Plant, Belarusian Nuclear Power Plant

9. In June 2023, an explosion occurred at the Svetlogorsk pulp and paper plant, as a result of which three people were killed. On June 12, 2023, the journalists of the Ranak TV channel, who produces a report on the accident, were detained in Svetlogorsk.
10. Another obstacle on access to environmental information is that access to legislation on environmental law, as well as technical regulatory legal acts, including in the field of regulation and standardization, up to date is possible only via Ethalone system, which is a paid online database⁷.

⁷ [Ecohome's comments on a national report on the implementation of the Aarhus Convention by Belarus for the period from 2017 to 2020](#)