



Public Statement

The Law Society of Upper Canada expresses grave concern about the administrative conviction of lawyer Oleg Volchek in Belarus

Toronto, ON — The Law Society of Upper Canada expresses grave concern about the administrative conviction of lawyer Oleg Volchek in Belarus.

Oleg Volchek is a prominent human rights lawyer and head of the human rights organization Pravovaya Pomoshch Naseleniyu (Legal Assistance to the Population). The organization provides free legal assistance to citizens on matters relating to labour and housing, as well as civil and political rights.

It has come to the Law Society's attention that Oleg Volchek was charged with "taking part in an illegal mass event" after attending a demonstration that took place in Minsk on February 17, 2017. The demonstration was staged in protest of a law (Presidential Decree No. 3 "On the prevention of dependency on social aid") which, in violation of both the Belarusian Constitution and international human rights laws, sanctions Belarusian citizens who work less than 183 days per year by imposing a penalty in the form of a fee and/or administrative arrest. During the demonstration, Oleg Volchek monitored the assembly and provided legal advice on how the decree could be appealed.

On March 21, 2017, Oleg Volchek was convicted. The guilty verdict was rendered notwithstanding that authorities had breached Article 2.10 of the *Code of Execution Procedure on Administrative Violations* – that is, the requirement for a "thorough, exhaustive and objective investigation of circumstances of a case". He was sentenced to 13 days of imprisonment. The judgment was handed down *in absentia*.

Reports indicate that over the course of three months, Oleg Volchek and his colleagues at Legal Assistance to the Population provided more than 1000 free legal consultations to individuals who were sanctioned under Presidential Decree No. 3. In December 2016, Legal Assistance to the Population called on the Presidential Administration and the Prime Minister of Belarus to impose a moratorium on the decree.

In light of the foregoing, human rights organizations are concerned that Oleg Volchek is being targeted as a result of, and for the purposes of curbing, his legitimate activities as a lawyer.

The Law Society is troubled by Oleg Volchek's situation and urges the Government of Belarus to comply with Belarus's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened

with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the Government of Belarus to:

- a. immediately and unconditionally vacate the conviction rendered against Oleg Volchek;
- b. put an end to all acts of harassment against Oleg Volchek and all other human rights lawyers in Belarus;
- c. guarantee in all circumstances the physical and psychological integrity of Oleg Volchek and all other human rights lawyers in Belarus;
- d. ensure that all lawyers in Belarus can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.