



# General Assembly

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## Human Rights Council

### Twenty-third session

#### Agenda item 4

#### Human rights situations that require the Council's attention

**Albania\*, Austria, Belgium\*, Bulgaria\*, Croatia\*, Cyprus\*, Czech Republic, Denmark\*, Estonia, Finland\*, France\*, Germany, Greece\*, Hungary\*, Iceland\*, Ireland, Italy, Japan, Latvia\*, Liechtenstein\*, Lithuania\*, Luxembourg\*, Malta\*, Monaco\*, Montenegro, Netherlands\*, Norway\*, Poland, Portugal\*, Republic of Korea, Romania, Slovakia\*, Slovenia\*, Spain, Sweden\*, Switzerland, the former Yugoslav Republic of Macedonia\*, United Kingdom of Great Britain and Northern Ireland\*, United States of America: draft resolution**

### 23/... Situation of human rights in Belarus

*The Human Rights Council,*

*Guided by* the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

*Recalling* all resolutions adopted by the Commission on Human Rights, the General Assembly and the Human Rights Council on the situation of human rights in Belarus, including Council resolutions 17/24 of 17 June 2011 and 20/13 of 5 July 2012, and deploring the inadequate response by the Government of Belarus to the requests of the Council made in those resolutions, including the denial of access to the Special Rapporteur on the situation of human rights in Belarus and other special procedures mandate holders to the country,

*Recalling* Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in Belarus;<sup>1</sup>

2. *Expresses deep concern* at continuing violations of human rights in Belarus, which are of a structural and endemic nature, and also at the systemic and systematic restrictions on human rights, especially in the case of the freedoms of association, of assembly, and of opinion and expression, as well as the guarantees of due process and fair trial, and expresses particular concern at the use of torture and ill-treatment in custody, the

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\* Non-member State of the Human Rights Council.

<sup>1</sup> A/HRC/23/52.

lack of response by the Government to cases of enforced disappearance of political opponents, violations of labour rights amounting to forced labour, significant gaps in anti-discrimination legislation, the impunity of perpetrators of human rights violations and abuses, the harassment of civil society organizations, human rights defenders, journalists and political opponents, pressure on defence lawyers, the lack of participation of opposition political parties in Parliament, and the fact that most international observers regarded the polling in Parliamentary elections on 23 September 2012 as inconsistent with basic standards for competitive, free and fair elections;

3. *Calls upon* the Government of Belarus to carry out a comprehensive review of relevant legislation, policies, strategies and practices to ensure that the provisions are clearly defined, consistent with international human rights law and their human rights commitments, and not used to impede or unduly restrict the exercise of any human right, including the freedoms of expression, association and peaceful assembly, or freedom of the media;

4. *Notes* the attention paid by the Special Rapporteur to the issue of the death penalty in Belarus, and takes note of the re-establishment of the parliamentary working group on the death penalty, and encourages it to expedite its work;

5. *Calls upon* the Government of Belarus to carry out a comprehensive reform of the justice sector and bar associations in order to guarantee the independence and impartiality of the judiciary, the presumption of innocence, fair trial, the right to an effective review of sentences and convictions by a higher tribunal established by law and to freely chosen legal representation throughout all proceedings, as well as the availability of information on the implementation of all sentences;

6. *Strongly urges* the Government of Belarus to immediately and unconditionally release and rehabilitate all political prisoners, and to rehabilitate those who have already been released, to address, through comprehensive, transparent and credible investigations, reports of torture and ill-treatment by law-enforcement officials, and to put an immediate end to the arbitrary detention of human rights defenders and political opponents, arbitrary travel bans and other policies aimed at intimidating representatives of the political opposition and the media, as well as human rights defenders and civil society;

7. *Encourages* the Government of Belarus to consider expediting its initiative to establish a national human rights institution in accordance with the Paris Principles, and to enhance the progress made towards reaching the Millennium Development Goals;

8. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Belarus for a period of one year, and requests the Special Rapporteur to submit a report on the situation of human rights in Belarus to the Human Rights Council at its twenty-sixth session and to the General Assembly at its sixty-ninth session;

9. *Urges* the Government of Belarus to cooperate fully with the Special Rapporteur, including by providing him access to visit the country, as well as the information necessary to facilitate the fulfilment of the mandate;

10. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with the assistance and resources necessary to allow the fulfilment of the mandate.