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Human rights situations that require the Council's attention

Albania,* Australia, Austria, Belgium,* Bulgaria, Canada,* Croatia,* Cyprus,* Czechia, Denmark, Estonia,* Finland,* France,* Germany, Greece,* Hungary,* Iceland,* Ireland,* Italy, Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Monaco,* Montenegro,* Netherlands, New Zealand,* North Macedonia,* Norway,* Poland, Portugal,* Romania,* San Marino,* Slovakia, Slovenia,* Spain, Sweden,* Switzerland* and United Kingdom of Great Britain and Northern Ireland*: draft resolution

44/... 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 resolution 41/22 of 12 July 2019, and regretting the inadequate response and lack of cooperation by the Government of Belarus to the requests made by the Council in those resolutions, including on access of the Special Rapporteur on the situation of human rights in Belarus and other special procedure mandate holders to the country, while acknowledging the growing openness of Belarus to cooperation with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, the Council of Europe, the European Union and bilateral partners,

Recalling also 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;¹
2. *Expresses continued concern* at the situation of human rights and fundamental freedoms in Belarus, especially the undue restrictions and prohibitively burdensome processes relating to the exercise of freedoms of peaceful assembly, association and expression, resulting in the harassment of civil society organizations and trade unions and the detention of human rights defenders, members of the opposition, journalists and media workers, and of other members of civil society;

* State not a member of the Human Rights Council.

¹ A/HRC/44/55.



3. *Expresses grave concern* at the arbitrary detention and arrest of and the fines imposed on journalists and other media workers for performing their professional activities, human rights defenders, bloggers and other members of civil society, and at the disproportionate and discriminatory restrictions on freedom of opinion and expression, such as the entry into force of legislative amendments introducing further restrictions on online media, and calls upon the Government of Belarus and all authorities to fully respect, protect and fulfil their obligations in accordance with international human rights law, in particular the freedoms of expression through any form of media, peaceful assembly and association, which are of particular importance in the context of the presidential campaign for the election scheduled to be held in 2020;

4. *Urges* the Belarusian authorities to guarantee a free, fair and transparent presidential election on 9 August, and to take all reasonable measures to facilitate a peaceful process, in accordance with the State's international obligations and commitments, including, inter alia, those under article 25 (b) of the International Covenant on Civil and Political Rights;

5. *Expresses continued concern* at reported poor conditions in prisons and detention centres, and also at allegations of torture and inhuman or degrading treatment by law enforcement and prison officers, which have not been properly investigated by the authorities, despite the fact that the State accepted relevant recommendations during the second cycle of the universal periodic review, and regrets that, though being a State party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Belarus has not implemented it;

6. *Deplores* the lack of response by the Government of Belarus to cases of arbitrary arrest and detention of political and social activists, the unwillingness of prosecutors to investigate cases of torture and cruel, inhuman and degrading treatment, the impunity of perpetrators of crimes involving human rights violations and abuses, the pressure on defence lawyers and the lack of effective legal remedies, and also deplores the discrimination particularly affecting speakers of the Belarusian language and individuals belonging to vulnerable groups and religious minorities;

7. *Reiterates its call 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 its international human rights obligations and commitments, and are not used to impede or unduly restrict the exercise of any human right, and to invest in capacity-building and appropriate training of the judiciary and law enforcement agencies;

8. *Notes* the concern expressed by the Special Rapporteur with regard to children sentenced for drug-related offences, and stresses the need for the best interests of the child to be taken into account, while welcoming the application of the Act on Amnesty signed into law on 19 May 2020 also to underage citizens, pregnant women, single parents, persons with disabilities and other persons in vulnerable situations, and welcoming also the extension of its application to minors sentenced under parts 4 and 5 of article 328 of the Criminal Code;

9. *Also notes* that the first national human rights action plan for 2016–2019 was a useful framework for facilitating intergovernmental cooperation and dialogue with civil society, contributing to the State's marginally increased communication with civil society, welcomes the greater involvement of representatives of civil society in discussions and working formats related to human rights legislation and legal practice, in line with the recommendations on cooperation with civil society accepted by the State in the context of the universal periodic review, and calls upon the Government of Belarus to develop and implement without delay a new plan on human rights, building on the lessons learned from the implementation of the first plan and taking into consideration the recommendations made by the treaty bodies, human rights mechanisms and civil society;

10. *Further notes* the continued attention paid by the Special Rapporteur to the issue of the death penalty in Belarus, and in particular expresses deep concern at its use without guarantee of due process and at the limited amount of relevant information with regard to its use, and, taking into account that transparency is a requirement of fair and effective criminal justice, and requests the Special Rapporteur to continue to monitor

developments and to make recommendations, and welcomes the establishment in January 2020 of a working group to study the abolition of the death penalty and encourages the State to take tangible steps;

11. *Urges* the Government of Belarus to take all measures necessary to ensure the full independence and impartiality of the judiciary, to guarantee the right to a fair trial and the right to an effective review of sentences and convictions by a higher tribunal, and to provide for the right of all defendants to freely choose legal representation throughout all proceedings;

12. *Recalls* that it welcomed the release of political prisoners in August 2015, and called for the full reinstatement of the civil and political rights of former political prisoners; however, those civil and political rights have not been reinstated and political activists continue to be ill-treated and faced with questionable and politically motivated charges, while there has been no progress on four cases of enforced disappearance of political opponents dating back to 1999 and 2000;

13. *Strongly encourages* Belarus to implement the comprehensive reform of the electoral legal framework and to address long-standing systemic shortcomings pertaining to the electoral legal framework and practices, following the recommendations made by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, the European Commission for Democracy through Law (the Venice Commission) and the Special Rapporteur, and especially in view of the presidential election scheduled for 9 August 2020;

14. *Again strongly encourages* the Government of Belarus to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and to continue to engage actively in the implementation of the 2030 Agenda for Sustainable Development;

15. *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 forty-seventh session and to the General Assembly at its seventy-sixth session;

16. *Urges* the Government of Belarus to cooperate fully with the Special Rapporteur, including by allowing her access to visit the country and to meet freely with relevant stakeholders, including civil society, in her official capacity in order to assist the Government in fulfilling its international human rights obligations and by considering the implementation of her recommendations, and also urges the Government to extend full cooperation to thematic special procedures;

17. *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 her mandate, and requests the latter to continue to monitor developments and to make recommendations.