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Human rights situations that require the Council's attention

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

41/... 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 38/14 of 6 July 2018, 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, while acknowledging some improvement in the freedom to organize events, if they are notified in time to the authorities responsible, in accordance with the amendments introduced to the Law on Mass Events, which entered into force in January 2019;

* State not a member of the Human Rights Council.

¹ A/HRC/41/52.



3. *Also expresses continued concern* at the allegations of torture and inhuman or degrading treatment by law enforcement and prison officers, which are not properly investigated by the authorities; the ongoing harassment of human rights defenders, trade unions and civil society organizations, many of which are denied registration and some of which are occasionally raided by the authorities; the arrest and fining of journalists for performing their journalistic activities and various infringements of freedom of expression, including by the media, as well as the entry into force of legislative amendments introducing further restrictions on online media; and urges the Government to fully respect the freedoms of expression, peaceful assembly and association;

4. *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 deplors discrimination particularly affecting individuals belonging to vulnerable groups and religious minorities;

5. *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;

6. *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;

7. *Welcomes* the adoption by the Government of Belarus on 24 October 2016 of an inter-agency plan on human rights for the period 2016–2019 for the implementation of the recommendations accepted by the Government during the second cycle of the universal periodic review of Belarus and the recommendations by some treaty bodies, encourages the Government to review and amend the plan by including recommendations by human rights mechanisms and by taking into account suggestions made by civil society organizations, welcomes the registration of an independent trade union in January 2019, and also welcomes the engagement of Belarus with the Human Rights Committee for the first time in 21 years and its review by the Committee against Torture in April 2018;

8. *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, requests the Special Rapporteur to continue to monitor developments and to make recommendations;

9. *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;

10. *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;

11. *Strongly encourages* Belarus to implement without delay 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 upcoming parliamentary elections in November 2019 and the presidential election expected in 2020;

12. *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;

13. *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 forth session and to the General Assembly at its seventy-fifth session;

14. *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 implementation of her recommendations, and also urges the Government to extend full cooperation to thematic special procedures;

15. *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 make recommendations.
