



# General Assembly

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## Human Rights Council

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Agenda item 4

### 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,\* Ireland,\* Italy, Latvia,\* Liechtenstein,\* Lithuania,\* Luxembourg,\* Malta,\* Monaco,\* Montenegro,\* Netherlands, New Zealand,\* North Macedonia,\* Norway,\* Poland, Portugal,\* Romania,\* Slovakia,\* Slovenia,\* Spain,\* Sweden\*, Ukraine, United Kingdom of Great Britain and Northern Ireland, and United States of America:\* draft resolution**

### 47/... 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 44/19 of 17 July 2020, 45/1 of 18 September 2020 and 46/20 of 24 March 2021, and recalling also the statements made by the United Nations High Commissioner for Human Rights, the Office of the Secretary-General and the special procedures of the Human Rights Council on the deteriorating situation of human rights in Belarus,

*Regretting* the inadequate response and lack of cooperation by the Belarusian authorities to the requests made by the Human Rights Council in the above-mentioned resolutions, including on access, and to the recommendations made by the Special Rapporteur on the situation of human rights in Belarus and other special procedure mandate holders to the State,

*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* about the unprecedented escalation in violations of human rights and fundamental freedoms in Belarus, in particular the increasing disproportionate and discriminatory restrictions on freedoms of peaceful assembly, association and expression resulting in the systematic harassment, intimidation and repression of civil society and independent media, and the mass arbitrary detentions and arrests of journalists and other media workers, human rights defenders, medical workers,

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\* State not a member of the Human Rights Council.

<sup>1</sup> A/HRC/47/49.



lawyers, cultural workers, teachers, students, persons belonging to national minorities, individuals expressing dissenting opinions, members of trade unions and strike committees, and other members of civil society, and the number of reported cases of enforced disappearances and forced expulsions;

3. *Expresses grave continued concern* at reports of systematic and widespread torture and other cruel, inhuman or degrading treatment of, and of sexual and gender-based violence against, individuals detained and arrested in Belarus, including children, at reported poor sanitary conditions in detention centres and prisons and at reported denials or delays of access of detained persons to their freely chosen legal representation;

4. *Strongly condemns* the forced diversion and landing of a civilian flight in Minsk on 23 May 2021 endangering aviation safety, and the arbitrary detention and arrest by Belarusian authorities of an independent journalist, Raman Pratasevich, and his partner present on board, and the extraction of forced confessions, calls for their immediate and unconditional release and for the charges against them to be dropped, and expresses its support for the independent investigation by the International Civil Aviation Organization into the flight incident;

5. *Notes with deep concern* the increasingly restrictive legal framework that could further restrict freedoms of opinion and expression and of peaceful assembly in violation of international human rights law, and especially targeting independent media, journalists and bloggers, notably the amendments to the Law on Mass Gatherings, the Law on Mass Media and the Law on Countering Extremism, adopted in May 2021, as well as legislation relieving law enforcement officers from damages inflicted on peaceful protestors by firearms, and urges the Belarusian authorities to ensure a conducive environment for the functioning of genuinely independent mass media, including unhindered access to an open, interoperable, reliable and secure Internet;

6. *Strongly urges* the Belarusian authorities to fully respect, protect and fulfil all their international human rights obligations, including those under the International Covenants on Human Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

7. *Demands* in this respect the immediate and unconditional release of all persons arbitrarily or unlawfully detained in Belarus, including political prisoners, journalists and other media workers, human rights defenders, medical workers, lawyers, cultural workers, teachers, students, persons belonging to national minorities, members of trade unions and strike committees, and other members of civil society, and also demands that the Belarusian authorities immediately cease the criminal or administrative prosecution, harassment, intimidation and repression of all individuals exercising their human rights and fundamental freedoms;

8. *Also demands* prompt, effective, thorough, transparent and impartial investigations with a view to ensuring accountability in all cases of alleged human rights violations and abuses, especially those involving deaths, arbitrary detentions, torture and ill-treatment, including acts of sexual and gender-based violence, and to ensuring redress, remedy, rehabilitation and compensation for victims;

9. *Strongly urges* the Belarusian authorities to take all measures necessary to ensure the full independence and impartiality of the judiciary and the independence of the legal profession, to guarantee the right of all persons, including those accused of administrative or criminal offences, to a fair trial and the right to an effective review of sentences and convictions by a higher tribunal, and to guarantee adequate time and facilities to prepare their defences and to communicate with counsel of their choosing, and other procedural safeguards throughout all proceedings;

10. *Welcomes* the examination mandate of the United Nations High Commissioner for Human Rights, requested by the Human Rights Council in its resolution 46/20 with respect to all alleged human rights violations committed in Belarus in the run-up to the presidential election held on 9 August 2020 and in its aftermath, and also welcomes in this respect the readiness of the Special Rapporteur on the situation of human rights in Belarus to assist the High Commissioner;

11. *Reiterates its call upon* the Belarusian authorities 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;

12. *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;

13. *Deplores* the discrimination affecting individuals in vulnerable situations, including women, lesbian, gay, bisexual, trans and intersex persons, persons with disabilities, and persons belonging to national or ethnic, linguistic and religious minorities;

14. *Urges* the Belarusian authorities to adopt a comprehensive non-discrimination policy and legislation guaranteeing equal rights for all in law and in practice, including full access to quality education on an equal basis, and, stressing the need for the best interests of the child to be taken into account, also urges the Belarusian authorities to implement all recommendations of the Committee on the Rights of the Child and of the Committee against Torture regarding juvenile justice, while noting that a few measures to prevent discrimination have already been implemented in Belarus;

15. *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 earlier marginally increased communication with civil society, again calls upon the Belarusian authorities to develop and implement, without delay, in close cooperation with civil society, a new plan on human rights, building on the lessons learned from the implementation of the first plan and taking into consideration the recommendations accepted by the State in the context of the third universal periodic review, and the recommendations made by the treaty bodies, human rights mechanisms and civil society, and urges the Belarusian authorities to enter into a genuine, constructive, inclusive and transparent national dialogue with those representing civil society;

16. *Again strongly encourages* the Belarusian authorities to establish a national human rights institution in line 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;

17. *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, and encourages Belarus to relaunch a national dialogue on a moratorium on the death penalty and to study its abolition;

18. *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 continue to monitor developments and to make recommendations, and to submit a report on the situation of human rights in Belarus to the Human Rights Council at its fiftieth session and to the General Assembly at its seventy-seventh session;

19. *Urges* the Belarusian authorities 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 Belarusian authorities in fulfilling its international human rights obligations and by considering the implementation of her recommendations, and also urges the Belarusian authorities to extend full cooperation to thematic special procedures;

20. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with the assistance and resources necessary to enable her to fulfil her mandate in its entirety.

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