



# General Assembly

Distr.: Limited  
25 March 2022

Original: English

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## Human Rights Council

### Forty-ninth session

28 February–1 April 2022

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

### **49/... Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath**

*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 46/20 of 24 March 2021 and 47/19 of 13 July 2021, and all relevant statements made by the United Nations High Commissioner for Human Rights, the Office of the Secretary-General and special procedure mandate holders of the Human Rights Council on the deteriorating situation of human rights in Belarus,

*Recalling also* the report of the rapporteur of the Organization for Security and Cooperation in Europe, appointed under the Moscow Mechanism, invoked with regard to alleged human rights violations during the presidential election of 9 August 2020 in Belarus, and the recommendations contained therein, and the invocation of the Vienna Mechanism on 4 November 2021 in relation to serious human rights violations in Belarus,

*Reaffirming* its commitment to the sovereignty and independence of Belarus, and reaffirming also that it is the responsibility of each State to uphold its obligations under international human rights law and to ensure the full enjoyment of all human rights and fundamental freedoms of all persons within its territory and subject to its jurisdiction,

*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 and by the Office of the United Nations High Commissioner for Human Rights,

1. *Welcomes* the interim oral update on the situation of human rights in Belarus presented by the United Nations High Commissioner for Human Rights to the Human Rights Council at its forty-eighth session and her comprehensive written report presented to the

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



Council at its forty-ninth session,<sup>1</sup> and her appointment of the three independent experts and their ongoing work together with the examination by the Office of the High Commissioner of the situation of human rights in Belarus;

2. *Expresses deep concern* at the further deterioration of the situation of human rights in Belarus in the aftermath of the presidential election held on 9 August 2020 and the continued impunity and lack of accountability for human rights violations committed in Belarus since 1 May 2020;

3. *Condemns* in this respect the continuing systematic denial of human rights and fundamental freedoms, including the arbitrary detention and arrest of an unprecedented scale of opposition members, journalists and other media workers, human rights defenders, lawyers, medical workers, cultural workers, teachers, students, children, persons belonging to national minorities, members of trade unions and strike committees, and other members of civil society and individuals for expressing dissenting opinions and exercising their human rights and fundamental freedoms, including those peacefully expressing protest or speaking out against the armed conflict in Ukraine stemming from the aggression by the Russian Federation and against the constitutional referendum held in Belarus on 27 February 2022, and also condemns the prison sentences handed down to political prisoners without any guarantee of their right to a fair trial;

4. *Expresses continued grave concern* at reports of systematic and widespread acts of torture and other cruel, inhuman or degrading treatment or punishment of, and sexual and gender-based violence against, individuals detained and arrested in Belarus, including children, with the knowledge of the Belarusian State authorities, and the reported inhumane detention conditions and denial of access to medical and legal assistance in detention centres and prisons, which urgently require an independent investigation, and regrets that, despite being a State party to the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child, Belarus has, according to reports, not complied with its obligations under those treaties;

5. *Expresses continued serious concern* about other ongoing severe politically motivated acts of repression against independent media and civil society, including through the large-scale ordered closure of civil society organizations, arbitrary decisions to cancel professional licences, including of lawyers, the revocation of foreign media workers' accreditations, the blocking of independent media websites and Internet shutdowns, the reported numerous raids on private houses and offices, and the increasing legislative restrictions of the rights to freedom of peaceful assembly, association and expression, both online and offline, in particular the amendments to the Law on Mass Gatherings, the Law on Mass Media, the Law on Countering Extremism and the Law on the Bar and Advocacy, adopted in May 2021, and the amendments to the Criminal Code adopted in December 2021;

6. *Expresses once again its regret* that the Government of Belarus has not fulfilled its obligations with regard to the right of every citizen to vote and to be elected at free, fair and inclusive periodic elections, which should be by universal and equal suffrage and should be held by secret ballot, guaranteeing the free expression of the will of the electors, in accordance with the State's obligations under article 25 (b) of the International Covenant on Civil and Political Rights, and also regrets the failure of Belarus to implement previous recommendations of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe on holding free, fair and inclusive elections that meet international standards, and its non-cooperation in issuing a timely invitation, which precluded the deployment of a mission by that Office to observe the 2020 presidential election or the constitutional referendum held on 27 February 2022 under a legal framework that did not take into account the said recommendations;

7. *Notes with deep concern* that, according to the report released by the International Civil Aviation Organization on 17 January 2022 on the incident involving a civilian flight in the Belarus airspace, the Belarusian authorities have failed to produce evidence of threat that was used to justify the diversion and landing of the flight in Minsk in May 2021;

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<sup>1</sup> A/HRC/49/71.

8. *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, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child;

9. *Urges* in this respect the Belarusian authorities to cease the excessive use of force against peaceful demonstrators, of torture and other cruel, inhuman or degrading treatment or punishment, and to stop carrying out arbitrary arrests, detentions and imprisonment, as well as immediately cease the arbitrary criminal or administrative prosecution, harassment, intimidation and repression, of persons for exercising their human rights and fundamental freedoms, and urges the Belarusian authorities to immediately and unconditionally release all political prisoners, arbitrarily detained in the lead-up to, during and since the 2020 presidential election, while noting the release of a few political prisoners to date;

10. *Calls upon* the Belarusian authorities to ensure free, fair and inclusive elections, to enter into a genuine national dialogue with the political opposition and civil society, and to guarantee the independence of the judiciary and of the legal profession in order to restore and maintain the rule of law, democracy and respect for human rights law and standards, and to that end to engage meaningfully with the Organization for Security and Cooperation in Europe;

11. *Recognizes* the important role played by journalists and other media workers, lawyers and civil society, including human rights defenders, in particular women human rights defenders, in continuing to carry out essential human rights work, including by documenting and monitoring, in challenging circumstances, allegations of human rights violations in the lead-up to, during and since the 2020 presidential election, and encourages all efforts, including by Belarusian and international civil society groups, to document human rights violations in Belarus;

12. *Stresses* the need for accountability for human rights violations, which is critical for the prevention of further violations, and urges the Belarusian authorities to ensure prompt, effective, independent, transparent and impartial investigations into all reported human rights violations committed in the lead-up to, during and since the 2020 presidential election, including cases involving deaths, arbitrary detention, torture and other cruel, inhuman or degrading treatment or punishment of detainees and protesters and of enforced disappearance and forced expulsions, and to guarantee that victims have access to justice and redress, including reparations, and that perpetrators are held fully accountable, in compliance with fair trial guarantees under international human rights law, and regrets that, to date, there is no indication that such investigations have been opened in Belarus following the thousands of complaints filed by victims of torture or other cruel, inhuman or degrading treatment, and in relation to the deaths in the context of the protests;

13. *Urges* the Belarusian authorities to cooperate fully with the Special Rapporteur on the situation of human rights in Belarus, in particular by granting her free, full and unhindered access to the territory of the country, including unhindered access to all places of detention, to extend full cooperation to the thematic special procedures of the Human Rights Council and to the treaty bodies, to restore their cooperation with and extend full and unhindered access to the Office of the United Nations High Commissioner for Human Rights, and to implement the recommendations contained in the report of the Office of the High Commissioner;

14. *Decides* to extend, for a period of one year, the mandate of the United Nations High Commissioner for Human Rights, and requests the High Commissioner, with the assistance of the three appointed experts and special procedure mandate holders, to continue:

(a) To monitor and report on the situation of human rights, to carry out a comprehensive examination of all alleged human rights violations committed in Belarus since 1 May 2020 in the run-up to the 2020 presidential election and in its aftermath, including the possible gender dimensions of such violations, to establish the facts and circumstances surrounding the alleged violations, and to collect, consolidate, preserve and analyse information and evidence, and where possible, to identify those responsible with a view to contributing to accountability for perpetrators and justice for victims, such as through relevant judicial and other proceedings, including criminal proceedings in courts and tribunals that have competent jurisdiction;

(b) To make general recommendations on improving respect for and the protection of human rights, and to provide guidance on access to justice, including reparations, and accountability, as appropriate;

(c) To engage with the Belarusian authorities and all stakeholders, in particular Belarusian, regional and international civil society, international human rights organizations, United Nations agencies, the Organization for Security and Cooperation in Europe, relevant companies and States with a view to exchanging information, as appropriate, and providing support for national, regional and international efforts to promote accountability for human rights violations in Belarus;

15. *Requests* the High Commissioner to present an interim oral update to the Human Rights Council at its fifty-first session, and a comprehensive written report at its fifty-second session, both to be followed by an interactive dialogue;

16. *Requests* the Secretary-General to provide the Office of the High Commissioner with full administrative, technical and logistical support and the resources necessary to enable it to carry out its mandate.

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