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Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Belarus

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document is being issued without formal editing.



Recommendations that are accepted

1. 138.2–138.5, 138.7, 138.9, 138.12, 138.19, 138.23, 138.27, 138.31, 138.37, 138.38, 138.44–138.46, 138.48–138.50, 138.52, 138.55–138.62, 138.64 accepted as implemented: In Belarus, every citizen has the right to vote and to be elected in genuine periodic elections that are held with universal and equal suffrage and that ensure the free expression of the will of the voters.
2. 138.70 accepted as implemented: Belarusian legislation is based on the principle of equal treatment and is neutral in terms of discrimination, since it does not assign privileges to any particular group based on the presence or absence of any characteristic that is not objectively justified.
3. 138.71, 138.72, 138.74 accepted as implemented: The Roma population has full enjoyment of their rights on an equal footing with all ethnic groups in Belarus.
4. 138.78–138.83, 138.86, 138.87, 138.89, 138.90, 138.93, 138.96, 138.102, 138.103 accepted as implemented: All allegations of unlawful acts, including torture and ill-treatment, are investigated in accordance with the national legislation, and the perpetrators incur liability, as determined by an independent court, in accordance with Belarusian law. The Criminal Code of the Republic of Belarus contains the definition of torture set out in the United Nations Convention against Torture.
5. 138, 104, 138.109 accepted as implemented (see 138.103).
6. 138.111 accepted as implemented: Act No. 215-Z of 16 June 2003 on procedures and conditions for remand in custody and other legislation governing conditions of detention comply with the United Nations Standard Minimum Rules for the Treatment of Prisoners.
7. 138.115–138.124, 138.141–138.143, 138.144 accepted as implemented: Freedom of opinion and belief and their free expression, as well as freedom of assembly that does not violate the law or impinge on the rights of other citizens, are guaranteed by the Constitution. The provisions of the national legislation are consistent with international treaty obligations.
8. 138.145, 138.146 accepted as currently being implemented.
9. 138.147 accepted as implemented (see 138.144).
10. 138.148 accepted as implemented (see 138.144).
11. 138.151 accepted as implemented (see 138.144 and 138.103).
12. 138.153 accepted as implemented: Freedom to choose atheist or religious beliefs, and the right, individually or together with others, to profess or not to profess any religion is guaranteed by law. The provisions of the national legislation are consistent with international treaty obligations.
13. 138.157 accepted as implemented (see 138.144).
14. 138.159 accepted as currently being implemented.
15. 138.160 accepted as implemented (see 138.144).
16. 138.162 accepted as currently being implemented.
17. 138.165, 138.167, 138.172 accepted as implemented (see 138.144).
18. 138.175 accepted as implemented (see 138.144).
19. 138.181, 138.182 accepted as implemented (see 138.144).
20. 138.184, 138.186–138.188, 138.192, 138.197, 138.203, 138.212, 138.216–138.228, 138.230–138.244, 138.246, 138.247, 138.248 accepted as implemented (see 138.20).
21. 138.249, 138.250–138.252 accepted as implemented (see 138.20).
22. 138.253, 138.254 accepted as implemented: All the criteria and indicators of the socially dangerous situation of minors are clearly defined in the national legislation. Poverty and disability are not among these criteria.

23. 138.255 accepted as implemented: For juveniles, deprivation of liberty is consistently reduced.
24. 138.256 accepted as implemented: Justice in Belarus is in practice administered through child-friendly procedures based on restorative justice. Juvenile justice is ensured through the specialization of judges, which makes it possible to ensure that a strictly individual approach is taken in every juvenile case, within the current framework of legal institutions.
25. 138.257–138.266.

Recommendations that are partially accepted

26. 138.20 is accepted in respect of the criminalization of domestic violence, and accepted as implemented: All forms of domestic violence (physical, psychological and sexual) are criminalized under the Criminal Code. The criminal liability is gender-neutral; the victim of the violence (and the perpetrator) may be either a man or a woman.
27. 138.32 is accepted in respect of the continuation of cooperation with the Human Rights Council and its mechanisms.
28. 138.33 is accepted in respect of meaningful engagement with the United Nations treaty bodies and special procedures.
29. 138.34 is accepted in respect of further cooperation with the United Nations human rights mechanisms.
30. 138.35 is accepted in respect of cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and special procedures mandate holders.
31. 138.36 is accepted in respect of cooperation with other United Nations Special Rapporteurs and the Organization for Security and Cooperation in Europe.
32. 138.68 is accepted, in respect of the enactment of comprehensive legislation to prohibit all forms of discrimination and to investigate statements inciting racial hatred and racial violence, as implemented (see 138.70).
33. 138.69 is accepted, in respect of the enactment of comprehensive legislation against discrimination, as implemented (see 138.70).
34. 138.73 is accepted, in respect of the adoption of comprehensive anti-discrimination legislation, as implemented (see 138.70).
35. 138.97 is accepted in respect of the consideration of a moratorium on executions, with a view to fully abolishing the death penalty.
36. 138.110 is accepted, in respect of the amendment of the Criminal Code to include liability for all forms of torture, as implemented (see 138.103).
37. 138.154 is accepted in respect of enabling a diversity of opinions in the public sphere through free and independent media.
38. 138.176 is accepted in respect of respect for the right of peaceful assembly.
39. 138.177 is accepted in respect of respect for the right of peaceful assembly.
40. 138.178 is accepted in respect of strict compliance with its obligations under the International Covenant on Civil and Political Rights.
41. 138.179 is accepted in respect of ensuring that all people are able to exercise their right to freedom of peaceful assembly.
42. 138.183 is accepted, in respect of bringing legislation on freedom of association in full compliance with the country's international obligations, as implemented (see 138.144).
43. 138.193 is accepted in respect of ensuring full enjoyment of freedom of expression, speech, association and peaceful assembly.

Recommendations that are not supported and are thus noted

138.1, 138.6, 138.8, 138.10, 138.11, 138.13–138.18, 138.21, 138.22, 138.24–138.26, 138.28–138.30, 138.39–138.43, 138.47, 138.51, 138.53–54, 138.63, 138.65–138.67, 138.75–138.77, 138.84, 138.85, 138.88, 138.91, 138.92, 138.94, 138.95, 138.98–138.101, 138.105–138.108, 138.112–138.114, 138.125–138.140, 138.149, 138.150, 138.152, 138.155, 138.156, 138.158, 138.161, 138.163, 138.164, 138.166, 138.168–138.171, 138.173, 138.174, 138.180, 138.185, 138.189, 138.190, 138.191, 138.194, 138.195, 138.196, 138.198, 138.199, 138.200, 138.201, 138.202, 138.204–138.207, 138.208–138.210, 138.211, 138.213–138.215, 138.229, 138.245

44. With regard to the noted recommendations, Belarus should like to point out that it is party to most international human rights treaties and will continue to study the possibility of extending its international obligations in this area.

45. Belarus does not consider itself bound by the politicized, country-specific resolutions of the United Nations Human Rights Council, including resolution 45/1 and others establishing and renewing the mandate of the Special Rapporteur on the situation of human rights in Belarus, and similar decisions of regional organizations.

46. Belarus reaffirms its interest in cooperating with OHCHR and the thematic special procedures of the Human Rights Council within their mandates and on the basis of national interests and priorities.

47. Consideration of the establishment of a national human rights institution in accordance with the Paris Principles is continuing in Belarus.

48. Belarus will continue to engage in a national dialogue on a moratorium or abolition of the death penalty.
