



# General Assembly

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## Human Rights Council

### Fifty-second session

27 February–4 April 2023

Agenda item 4

### Human rights situations that require the Council's attention

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

### **52/... 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 49/26 of 1 April 2022 and 50/20 of 8 July 2022, 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 credible reports of 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 promote, respect, protect and fulfil human rights in accordance with its obligations under international human rights law,

*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, and also to the recommendations made in the report under the Moscow Mechanism of the Organization for Security and Cooperation in Europe and to its Vienna Mechanism,

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



1. *Welcomes* the interim oral update on the situation of human rights in Belarus presented by the United Nations Acting High Commissioner for Human Rights to the Human Rights Council at its fifty-first session and the comprehensive written report presented by the High Commissioner to the Council at its current session;<sup>1</sup>

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 with regard to the holding of more than 1,462 political prisoners and the arbitrary detention and arrest of opposition members, journalists and other media workers, environmental and human rights defenders, including women 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, both online and offline, including those peacefully expressing protest or speaking out against both the war of aggression by the Russian Federation against Ukraine and the support of the Belarusian authorities for the aggressor, and condemns the unjust, long prison sentences and the continued holding of persons in prolonged detention without any opportunity for them to challenge the lawfulness of their detention and the lack of information about the charges brought against them, as well as harsh sentences increasingly handed down to political prisoners without any respect for fair trial guarantees, including their right to a fair and public hearing;

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, by 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, the Convention on the Elimination of All Forms of Discrimination against Women 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 or forced self-closure of more than 1,231 civil society organizations, politically motivated prosecution and harassment, arbitrary decisions to cancel professional licences, including of lawyers, notably those defending political prisoners in politically motivated criminal cases, the revocation of foreign media workers' accreditations, the banning of independent media outlets, the blocking of independent media websites and Internet shutdowns, the reported numerous raids on private houses and offices, the crackdown against the relatives of those who have left the country, the serious violations of fair trial guarantees and other procedural rights of accused persons, including confidential access to lawyers and court documents, as well as the reports of State-sponsored disinformation in Belarus, and the increasing legislative restrictions of the rights to freedom of peaceful assembly, association and expression, both online and offline, in particular the recent 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, and the amendments to the Criminal Code expanding the use of the death penalty with the intent of further repressing the exercise of human rights and fundamental freedoms, and also expresses great concern about the recent decisions of Belarus to withdraw from the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention) and from the first Optional Protocol to the International Covenant on

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<sup>1</sup> A/HRC/52/68.

Civil and Political Rights, thereby further limiting access to judicial oversight by independent human rights mechanisms;

6. *Expresses once again its regret* that the Belarusian authorities have not fulfilled their 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;

7. *Condemns* the actions of Belarusian authorities in committing an act of unlawful interference that deliberately endangered the safety and security of a civilian flight in Belarusian airspace in May 2021 and the lives of all those on board, and welcomes the determination of the Council of the International Civil Aviation Organization that the said actions were a flagrant and serious violation of the Convention on International Civil Aviation, as further confirmed by the Organization in its Assembly resolution A41-1;

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, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities 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, trials that lack respect for minimum fair trial guarantees, including the right to a fair trial, the harassment, intimidation and repression of persons, including women and children, for exercising their human rights and fundamental freedoms, and other forms of ongoing abuses and violations, and urges the Belarusian authorities to immediately and unconditionally release all political prisoners, and those arbitrarily detained, charged or sentenced on politically motivated grounds;

10. *Calls upon* the Belarusian authorities to allow adequate medical assistance and proper treatment for all detained persons who are in urgent need of medical attention and those with severe health conditions, and to ensure the access of all detainees to lawyers, food parcels, visits by family members, information on medical procedures and information about their "criminal" cases, and also that information about the status of detainees to their family members is safeguarded during a medical emergency, and also calls upon the Belarusian authorities to release for humanitarian reasons those subjected to politically motivated criminal prosecution since 2020, including children, older persons, persons who need urgent release owing to a severe health condition, and persons who should otherwise be released in the best interests of their family members;

11. *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 compliance with human rights law, and to that end to engage meaningfully with the Organization for Security and Cooperation in Europe;

12. *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 and abuses 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 and acts of harassment and intimidation against Belarusian exiles fleeing repression, including gender-based violence and harassment, both online and offline;

13. *Stresses* the need for accountability for human rights violations and abuses, which is critical for the prevention of further violations and abuses and for the recognition of victims, and urges the Belarusian authorities to ensure prompt, effective, independent, transparent and impartial investigations into all reported human rights violations and abuses 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;

14. *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;

15. *Decides* to extend, for a period of one year, the mandate of the United Nations High Commissioner for Human Rights, with the assistance of the three appointed independent experts and special procedure mandate holders, until the fifty-fifth session of the Human Rights Council;

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

17. *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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