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Human rights situations that require the Council's attention

Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath

Report of the United Nations High Commissioner for Human Rights*, **

Summary

The present report, submitted pursuant to Human Rights Council resolution 52/29, presents an examination of the human rights situation in Belarus since May 2020. The report addresses alleged human rights violations about which the Office of the United Nations High Commissioner for Human Rights has collected, consolidated, preserved and analysed information and evidence, makes conclusions under the applicable international legal framework and offers recommendations to the Government and the international community.

* The present report was submitted to the conference services for processing after the deadline so as to include the most recent information.

** The annexes to the present report are circulated as received, in the language of submission only.



I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 52/29, in which the Council extended, for a period of one year, the mandate of the United Nations High Commissioner for Human Rights to monitor and report on the situation of human rights in Belarus and to examine all alleged human rights violations committed in the country in the aftermath of the 2020 presidential elections and requested the High Commissioner to present a comprehensive report to the Council at its fifty-fifth session.

2. The Office of United Nations High Commissioner for Human Rights (OHCHR) implemented the mandate, with advice from three experts appointed by the High Commissioner: Karinna Moskalenko (Russian Federation), Susan Bazilli (Canada) and Monika Płatek (Poland). OHCHR renews its appreciation to the experts, Member States, the Special Rapporteur on the situation of human rights in Belarus, the Organization for Security and Cooperation in Europe (OSCE) and civil society organizations for the material shared with and support provided in the discharge of this mandate. OHCHR also extends its appreciation to the victims, survivors and witnesses who shared their experiences and other relevant information.

3. In its resolution 52/29, the Human Rights Council again urged the Belarusian authorities to cooperate with OHCHR in executing its mandate, in particular by granting unhindered access to the country. OHCHR regrets that the Belarusian Government has not responded to two notes verbales, dated 22 June and 1 November 2023, seeking access to the country and enclosing a list of issues.¹

4. The report, which covers the period from 1 May 2020 to 31 December 2023, focuses on developments in 2023 and supplements the previous findings of OHCHR on violations that occurred between 1 May 2020 and 31 December 2022 as set out in previous reports.²

II. Methodology and standard of proof

5. The present report is based on the totality of information and evidence collected by OHCHR since the mandate was provided for in Human Rights Council resolution 46/20. A total of 657 first-hand interviews (390 with males (3 boys), 264 with females (1 girl) and 3 with non-binary individuals) were conducted, in accordance with OHCHR methodology, with victims and witnesses, non-governmental organizations, journalists, lawyers and medical personnel. Of that number, 305 interviews (166 with males (1 boy), 136 with females (1 girl) and 3 with non-binary individuals) were conducted since the last report.³ Findings arising from first-hand interviews are supported by more than 5,400 items of information and evidence, of which over 2,000 were collected in 2023, as well as 229 written submissions from victims, witnesses and non-governmental organizations, of which 43 were received in 2023.⁴ OHCHR reports are based on verified information collected from sources that are assessed as credible and reliable, according to OHCHR methodology. Information is included where the “reasonable grounds to believe” standard of proof has been met.

III. Violations of international human rights law

A. Freedom of expression, association and peaceful assembly

6. The cumulative effect of violations of freedom of expression, association and assembly in Belarus since 1 May 2020 has been the closure of independent civic space, which has effectively deprived the population of its ability to exercise those rights. No opposition

¹ See annex I and annex II to the present report.

² [A/HRC/49/71](#) and [A/HRC/52/68](#) and [A/HRC/52/68/Corr.1](#).

³ The totals from previous reports are: 224 male (2 boys) and 128 female ([A/HRC/49/71](#), para. 5, and [A/HRC/52/68](#) and [A/HRC/52/68/Corr.1](#), para. 4).

⁴ See <https://www.ohchr.org/en/hr-bodies/hrc/ohchr-belarus/call-for-submissions>.

party was able to re-register for the February 2024 parliamentary election and over 1,500 non-governmental organizations, all independent trade unions and hundreds of media outlets have been closed. Courts, government ministries and security agencies have acted in concert in implementing the above restrictions.

7. In 2023, the Law on Political Parties was amended, requiring all existing political parties to meet stringent criteria for re-registration within three months or to be dissolved by the Supreme Court.⁵ Many parties found the requirements impossible to meet, owing, *inter alia*, to the possible risk that their members would be named as members of groups that oppose the Government, exposing them to the danger of arbitrary arrest. The process resulted in the dissolution of all opposition parties. Out of 15 parties, only 4, aligned with the Government, were registered as eligible to participate in the February 2024 parliamentary election.⁶ In November 2023 the President of Belarus stated: “we cleansed the playing field of decorative associations and of those whose efforts are aimed at undermining the foundations of the constitutional system of our country”.⁷

8. Amendments to the Law on Public Associations, adopted on 14 February 2023, added “inconsistency of activities of public association with the main directions of domestic and foreign policy and the concept of national security” as new grounds for the dissolution of a public association.⁸ Further, the systematic efforts to close civil society organizations, which began in 2021, continued,⁹ impacting cultural and humanitarian organizations. As at 31 December 2023, at least 960 civil society organizations had been dissolved and 550 more had been forced to close for fear of persecution, reprisals, intimidation or violence.¹⁰ All independent trade unions had previously been dissolved, most in 2021 and 2022.¹¹

9. In 2023, at least 20 prominent human rights defenders and trade unionists were sentenced to prison terms ranging from 5 to almost 15 years and received high fines. Included in those convictions, in February and March 2023, were staff and volunteers of the Viasna Human Rights Centre, including Marfa Rabkova, Andrei Chapiuk, Ales Bialiatski, Valiantsin Stefanovich and Dzmitry Salauyou (in absentia). In June, Nasta Loika of Human Constanta was sentenced; in court she stated that she had been subjected to ill-treatment and torture.¹² Also in June, the acting chairperson of Belarusian Radio and Electronic Workers’ Union, Vasil Berasnieu, was convicted and sent to prison. Some of the above individuals were subsequently added to the Government’s list of “terrorist organizations” or “terrorist formations”.¹³

10. Repression of free media continued, with at least 34 raids by Belarusian security forces at the editorial offices and private homes of journalists and 46 arrests and 16 verdicts against journalists and media workers in 2023. As at 31 December 2023, 23 male and nine female journalists had been arbitrarily detained.¹⁴ OHCHR also confirmed the unlawful

⁵ See <https://pravo.by/document/?guid=12551&p0=H12300251&p1=1> (in Russian); and <https://president.gov.by/en/events/aleksandr-lukashenko-podpisal-zakon-ob-osnovah-grazhdanskogo-obshchestva-i-popravki-v-zakony-o-deyatelnosti-partiy-1676453248>.

⁶ See <https://www.lawtrend.org/english/monitoring-the-situation-of-freedom-of-association-and-civil-society-organisations-in-the-republic-of-belarus-september-2023>.

⁷ See <https://president.gov.by/en/events/vstrecha-s-rukovoditelyami-politicheskikh-partiy-1699621181>.

⁸ See <https://pravo.by/document/?guid=3871&p0=v19403254> (in Russian), art. 29.

⁹ A/HRC/52/68 and A/HRC/52/68/Corr.1, paras. 35–37.

¹⁰ See <https://www.lawtrend.org/english/monitoring-the-situation-of-freedom-of-association-and-civil-society-organisations-in-the-republic-of-belarus-december-2023>.

¹¹ A/HRC/52/68 and A/HRC/52/68/Corr.1, para. 38; see also

https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_872248.pdf, para. 77; International Covenant on

Economic, Social and Cultural Rights, art. 8; and International Covenant on Civil and Political Rights, art. 22.

¹² See communication BLR 7/2022. All communications mentioned in the present report are available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>. See also

<https://www.defendersbelarus.org/tpost/re0829hyd1-un-humanrights-committee-registered-the>.

¹³ See A/78/327.

¹⁴ International Covenant on Civil and Political Rights, arts. 9 and 19.

closure¹⁵ of the independent news and media website “Tut.By” and other regional media in Minsk, Brest and Gomel.

11. In 2023, OHCHR observed an intensified use of broad counter-terrorism and counter-extremism legislation to restrict civic space,¹⁶ with laws adopted or amended since 2021 increasingly being used in a systematic manner to oppress and punish real or perceived opponents. Under such legislation, Belarus law enforcement and judicial authorities across the country arbitrarily arrested and detained, prosecuted and punished thousands of Belarusians in the course of 2023 for having exercised their human rights or freedoms, in many cases for acts that were not crimes at the time of their commission.

12. As at 31 December 2023, the Belarusian Government had designated 167 entities as “extremist formations” and two as “extremist organizations”, including 21 media agencies, the Belarusian Association of Journalists and the Viasna Human Rights Centre. Cooperation with those entities entails risk of criminal prosecution on charges of facilitating extremist activities.¹⁷ OHCHR also found there was intensification of punitive measures for donations made to extremist entities, in some cases even prior to the designation of the organization or entity as extremist, entailing criminal liability on charges of financing of extremism.¹⁸

13. As at 31 December 2023, there were 4,584 entries on the Government’s list of list of “terrorist organizations” or “terrorist formations”.¹⁹ During the reporting period, at least 16,000 criminal cases related to extremism have been registered. The number of administrative charges for the dissemination of extremist materials²⁰ increased dramatically throughout 2023 (see sect. B below). In many cases, charges were presented for alleged dissemination, which took place prior to the designation of the material as extremist.

14. Persons convicted on criminal charges for acts deemed as extremist face inclusion on the above-mentioned list of “terrorist organizations” or “terrorist formations”,²¹ which has several negative consequences, including: banning from certain professions; having their financial transactions monitored; difficulties in accessing services; and heightened risk of discrimination and harassment, such as dismissal from work or from university (see sect. G below). As at 31 December 2023, the rapidly expanding list contained 3,654 names (2,862 men and 792 women). OHCHR previously found that the use of counter-terrorism and counter-terrorism legislation in Belarus is overly broad and is used to suppress dissenting voices and to curtail access to information.

B. Arbitrary arrest and detention and the right to a fair trial

15. According to the cumulative findings of OHCHR since 2020, tens of thousands of Belarusians, including hundreds of children, have been arbitrarily arrested and detained on political grounds. Of the 657 individuals interviewed since the beginning of the examination, 540 had been arrested and detained in an arbitrary manner. Those arrests and detentions occurred as a result of individuals exercising their rights to freedom of expression, association and peaceful assembly, without being granted their right to a fair trial or adherence to detention safeguards. While those violations were at their peak in 2020–2021, they continued throughout 2022–2023 in a systematic and widespread manner, affecting thousands of Belarusians.²² In 2023, against a backdrop of severe repression of civic space, no demonstrations took place, although thousands continued to be arbitrarily arrested and

¹⁵ *Ibid.*, art. 19.

¹⁶ For analysis of the legislation by OHCHR and special procedure mandate holders, see [A/78/327](#); [A/HRC/52/68](#) and [A/HRC/52/68/Corr.1](#), para. 35; and communications BLR 3/2023 and BLR 4/2023. See also <https://www.osce.org/files/f/documents/d/5/543240.pdf>.

¹⁷ Criminal Code of Belarus, arts. 361–364.

¹⁸ *Ibid.*, arts. 361–362; [A/78/327](#), para. 74; and <https://spring96.org/en>.

¹⁹ See <http://mininform.gov.by/documents/respublikanskiy-spisok-ekstremistskikh-materialov/> (in Russian).

²⁰ Code of Administrative Offences, art. 19.11.

²¹ Law on Countering Extremism, art. 18.

²² [A/HRC/49/71](#), paras. 36–38, 40 and 88; and [A/HRC/52/68](#) and [A/HRC/52/68/Corr.1](#), paras. 23 and 24.

detained for having exercised their freedom of expression and or assembly as far back as 2020.²³ At 31 December 2023, at least 1,477 persons (1,308 men, 168 women, one boy)²⁴ remained in detention, either facing or serving sentences for criminal or administrative charges that OHCHR has determined to be politically motivated.²⁵

16. Security forces used facial recognition software, social media and Internet monitoring, and hacking and coerced searches of mobile devices to identify persons who were subsequently arrested from homes, workplaces and streets across Belarus.²⁶ Most arrests in 2022–2023 were carried out by large teams of police officers (mostly from the Main Directorate for Combating Organized Crime and Corruption of the Ministry of Internal Affairs of Belarus, also known as the Committee of State Security). Most of those arrested described being arrested without a warrant or without an opportunity to read what was presented to them. Almost all were subjected to threats and intimidation, many to unnecessary or/and disproportionate force, sometimes in the presence of their children (see sect. H below), to compel them to hand over and unlock mobile phones and other electronic devices. OHCHR documented 198 arrests and house searches in 2022, with an additional 59 in 2023 in Minsk and in all six regions of Belarus where security forces, in particular from Committee of State Security, arrived in excessive numbers, using unnecessary and disproportionate force towards men, women and non-binary individuals who did not pose any threat or resist arrest. Security forces subjected them to beatings, including with batons, bats or household objects, in some cases using stun guns, applying kicks, painful restraints, threats, insults and intimidation, including several instances where people were held at gunpoint. While women were also subjected to physical violence, psychological violence towards them was particularly intense. LGBTQ persons or those perceived as such owing to their general appearance were treated in a particularly violent and humiliating manner.

17. Since 2020 and continuing through 2023, security forces have used unnecessary and disproportionate force across Belarus. This pattern, which has been perpetrated with impunity, with the approval and encouragement of the highest authorities,²⁷ has resulted in dozens of serious injuries, including cases of the arbitrary deprivation of life, which authorities in Belarus have failed to investigate or provide redress for.

18. Illegal searches of private property and of electronic communications²⁸ were carried out to locate photos or videos of individuals who had taken part in protests in 2020, had subscriptions to “extremist” or “anti-government” social media or possessed items or insignia considered to symbolize the opposition, even simply red and white clothing. In several cases security officers took out subscriptions to prohibited social media channels in the name of their victims after gaining control of their electronic devices. In some cases, money or belongings were confiscated without documentation. Most of the people arrested in 2023 were initially charged under article 19.11 of the Code of Administrative Offences for the dissemination of extremist materials (with over 2,800 cases registered in 2023), sometimes on unfounded charges under article 24.3 on disobeying orders of public officials or under article 19.1 on petty hooliganism.²⁹

19. Sentences for administrative offences increased from an average of 8 to 10 days in 2020 to 13 to 15 days in 2022–2023. In numerous cases, an initial order of administrative detention for 15 days was renewed, sometimes repeatedly, on evidence that victims stated was fabricated or on the basis of the evidence re-used multiple times until criminal charges were filed. Most criminal charges were filed for breach of article 342 of the Criminal Code on the “organization and preparation of actions that grossly violate public order, or active

²³ See <https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/FactSheet26en.pdf>.

²⁴ Conservative estimate owing to fear of reprisals, based on credible publicly available sources, including <https://prisoners.spring96.org/en>.

²⁵ International Covenant on Civil and Political Rights, arts. 9 and 14.

²⁶ OHCHR identified several Belarusian and foreign companies whose facial recognition and surveillance software were used by Belarusian security forces.

²⁷ See <https://belsat.eu/ru/news/17-02-2021-sud-po-delu-shutova-stalo-izvestno-kto-prikazal-ispolzovat-vooruzhennyh-voennyh-vo-vremya-protestov> (in Russian).

²⁸ International Covenant on Civil and Political Rights, art. 17.

²⁹ See <https://pravo.by/pravovaya-informatsiya/bank-sudebnykh-resheniy/novye-postupleniya/> (in Russian).

participation in them”, for which at least 862 verdicts were issued in 2023.³⁰ In 2023, OHCHR observed an increasing use of criminal charges for acts that were previously subject to administrative charges, allowing for prolonged periods of pretrial detention. OHCHR also observed an increased use of charges of “extremism” and “terrorism” related offences, carrying harsher sentences (see also sect. A above).³¹ Since 2020, there has been a significant increase in the use of article 411 of the Criminal Code on “malicious disobedience to the requirements of the administration of a correctional institution” in order to extend, sometimes repeatedly and without a fair trial, the detention of persons already serving sentences for other convictions.³²

20. Systematic violations of the rights to due process and a fair trial in both administrative and criminal cases continued, following previously established patterns.³³ Since 1 May 2020, over 5,500 individuals, including at least 55 children, have been criminally convicted on charges assessed by OHCHR to be politically motivated in trials that lacked fairness. All interviewees who had been subject to arrest and/or detention in 2022 and 2023 raised concerns about due process and fair trial rights. According to victims and lawyers interviewed, documentation provided and analysis by civil society organizations,³⁴ sentences appeared predetermined, increasingly arbitrary and harsh. Virtually all sentences were upheld on appeal. This situation, coupled with institutionalized impunity (see sect. V below), points to non-existence of domestic remedies to challenge arbitrary detention and all subsequent violations against persons deprived of their liberty. A particularly alarming recent development was the total denial of access of lawyers to several high-profile political detainees serving sentences (see sect. F below).

21. The number of licenced lawyers dropped from 2,200 in the beginning of 2020 to 1,603 as at 31 December 2023.³⁵ Belarus authorities disbarred at least 131 lawyers (78 men and 53 women) between September 2020 and December 2023.³⁶ Others no longer practiced or left the country out of fear for their safety. The pressure on lawyers who are defending people with politically motivated charges further intensified in 2022–2023: in addition to disbarment and arrests, OHCHR documented cases of administrative detention of up to 30 days, including torture and ill-treatment of lawyers by Committee of State Security and criminal charges. As at 31 December 2023, eight men and two women lawyers had been subjected to criminal prosecution and four men and two women lawyers were being held in detention.³⁷

C. Torture and other cruel, inhuman or degrading treatment or punishment

22. Since 2020, thousands of Belarusians, including dozens of children, have been subjected to systematic and discriminatory practices amounting to cruel, inhuman or degrading treatment or punishment in detention facilities across Belarus. Belarusian authorities are responsible for four deaths in custody that they have failed to prevent and investigate. OHCHR has also found that conditions in temporary detention facilities for those detained on politically motivated charges may amount to cruel, inhuman or degrading treatment, and in some cases torture.³⁸

³⁰ See <https://prisoners.spring96.org/en>.

³¹ See <https://pravo.by/pravovaya-informatsiya/bank-sudebnykh-resheniy/poisk/> (in Russian); and A/HRC/52/68 and A/HRC/52/68/Corr.1, paras. 12 and 52.

³² Prior to the 2020 elections, article 411 had only been used two times. In 2021, it was used once; in 2022 10 times; and in 2023 at least 15 times. See also communication BLR 8/2023.

³³ International Covenant on Civil and Political Rights, arts. 9 and 14; A/HRC/49/71, paras. 58–61; and A/HRC/52/68 and A/HRC/52/68/Corr.1, paras. 26–31.

³⁴ See <https://spring96.org/en>.

³⁵ See https://defendersbelarus.org/right_to_protection; and <https://www.icj.org/belarus-attacks-on-independent-lawyers-continue-unabated/>.

³⁶ A/HRC/53/53, para. 86; see also <https://report2022.defendersbelarus.org/>, pp. 1 and 73; and https://defendersbelarus.org/persecution_lawyers_belarus.

³⁷ International Covenant on Civil and Political Rights, arts. 9, 14 and 22; see also https://defendersbelarus.org/right_to_protection.

³⁸ See also communication BLR 3.2023.

23. Out of all the 657 individuals interviewed by OHCHR since 2020, 29 per cent alleged that they had been tortured and 61 per cent alleged ill-treatment. Building on previous reporting, in 2023, OHCHR gathered and consolidated further evidence of torture by Belarusian police in August, September and October 2020, with fully verified cases in Minsk, Gomel, Slutsk, Mozyr and Pinsk. Some victims sustained long-lasting and even life-changing injuries, as verified by the OHCHR forensic assessment. Injuries included aneurysms, hearing loss, movement limitations in shoulder, hip and knee joints, bone fractures in arms, legs, nose and spine and damage to the nerves. Many victims were diagnosed with severely debilitating health effects, including high blood pressure, chronic renal diseases, depression, post-traumatic stress disorder, panic attacks and sleeping difficulties. Most victims were men, including one person with disabilities.

24. OHCHR found that those arrested faced intense pressure and violence, in many cases amounting to torture, during their initial interrogation and search for evidence in 38 cases in 2022 and 9 cases in 2023³⁹. Violence took place after arrests in police vehicles or/and during interrogations at the offices of the Committee of State Security in Minsk and police stations in all six regions of Belarus. To extract confessions, obtain information, punish, intimidate, humiliate or coerce victims, officers used physical violence, including beatings with metal rods, wooden bats or batons, kicking and beating on different parts of the body, causing severe physical pain. In several cases, detainees were forced into excruciating stress positions for prolonged periods and in at least two cases officers of the Committee of State Security nearly suffocated detainees by applying masks or bags to their faces. Physical violence to victims was accompanied by threats, coercion and intimidation, including threats of death, gender-based violence, including sexual violence, harm to family members or/and removal of children. Interrogations, which lasted for hours, were carried out without a lawyer. Most allegations of torture documented by OHCHR took place in the central office of the Committee of State Security in Minsk, in several cases in the presence of, and in some cases with the active participation of, the most senior officers of the Committee's Department 3 for countering extremism.⁴⁰

25. OHCHR documented 17 cases where officers of the Committee of State Security used stun guns to inflict pain during initial arrest or interrogation. Forensic assessment by OHCHR confirmed their repeated use on several parts of the bodies of victims, in some cases amounting to sexual violence, corroborating accounts of victims of the use of stun guns in situations and in a manner where their use was not necessary to avoid flight, protect personal safety or maintain security, but rather for punishment or coercion.

D. Sexual and gender-based violence

26. Based on cumulative evidence collected since 2021, OHCHR has reasonable grounds to believe that Belarusian security forces committed rape and other forms of sexual and gender-based violence, including sexualized torture and forced nudity, on men, boys, women and non-binary individuals in police vehicles, police stations and detention facilities between 1 May 2020 and 31 December 2023.⁴¹ Over 32 per cent of all 657 interviewees reported that they had been victims of gender-based violence, including sexual violence. The most common forms of sexual and gender-based violence were unnecessary strip and cavity searches in the context of arrest, interrogation or detention and rape threats, which were widespread and made by persons representing the authorities.

27. Police, Committee of State Security and prison officers in Brest, Gomel, Grodno, Minsk (city and region) and Mogilev regions used rape threats, often accompanied by physical violence, to degrade, intimidate, coerce or exert control. Threats contained brutal, explicit and aggressive language, often with homophobic elements. Officers openly made threats, showing confidence in their impunity for such acts. Men were threatened with being

³⁹ Since many of those detained in 2022 and 2023 remain in detention in Belarus, the figures are not representative of the possible scale of violations.

⁴⁰ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, arts. 2, 4 and 16; and International Covenant on Civil and Political Rights, arts. 7 and 10.

⁴¹ [A/HRC/49/71](#), paras. 45 and 75–79, and [A/HRC/52/68](#) and [A/HRC/52/68/Corr.1](#), paras. 39–43.

raped with a baton, being sent to prison cells where they could be raped by other detainees or having their spouses or daughters subjected to sexual violence. Women were threatened with gang rape. Threats and insults against LGBTQ persons underscored hatred based on sexual orientation or gender identity against persons perceived not to conform with so-called traditional values. OHCHR also documented cases of the forced outing of LGBTQ persons or those misidentified as LGBTQ detained on politically motivated grounds by Belarusian security forces, “repentance” videos, recorded under duress and published online or on television, and smear posters disseminated in victims’ neighbourhoods.

28. OHCHR documented 121 incidents of unnecessary and degrading strip and cavity searches in detention facilities.⁴² They were performed by one or more individuals whose positions the detainees did not know, sometimes by individuals of the opposite gender and oftentimes in locations lacking privacy. Some detainees reported being held down for searches and others reported being afraid owing to the aggressive behaviour and language used by those conducting interviews. Detainees, including men, boys and women, as well as menstruating women, were asked to squat repeatedly while naked and some were subjected to several hours of forced nudity.⁴³ Many searches were not carried out for security purposes, but rather to intimidate and humiliate, which could amount to ill-treatment or torture.⁴⁴

29. In what may amount to ill-treatment or in some cases torture, OHCHR found that women held on politically motivated charges lacked access to health care specific to their needs or had it actively denied.⁴⁵ For example, a woman arbitrarily detained in Minsk Prison (known as SIZO No. 1) was denied obstetric care despite repeated requests and visible signs of her advanced pregnancy. Committee of State Security interrogators referred to her pregnancy, threatened her with death and sent her to an isolation cell without ventilation. The victim reported that she fainted and was administered medication before being returned to the same cell. That same night, six months pregnant and without any medical care, she gave birth to a stillborn boy in her cell. She was denied any official acknowledgement of the pregnancy or stillbirth and threatened with punishment if she did not stay silent.

E. Discriminatory, degrading and punitive conditions and treatment in detention

30. OHCHR consolidated further evidence of discriminatory and punitive treatment and conditions of those held on politically motivated charges in temporary detention facilities throughout Belarus in 2023.⁴⁶ Unlike other detainees, those detained on politically motivated charges were held in severely overcrowded and badly ventilated cells, inadequately heated and unhygienic, without mattresses, bedding, basic hygienic items or warm clothes, including restrictions or total denial of access to bathing facilities, time outside, correspondence or packages. Small punishment cells (“*kartser*”), intended for one person, were used to hold 10 to 15 detainees. Detainees were systematically deprived of sleep by uninterrupted artificial lighting and were repeatedly forced to stay awake at night, subjected to frequent transfers between cells and denied needed medical assistance. Conditions were the same for men and women who were held in the same facilities but in separate cells. OHCHR also found that

⁴² International Covenant on Civil and Political Rights, arts. 7 and 10 (1); see also United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), rule 52.

⁴³ International Criminal Tribunal for Rwanda, *The Prosecutor v. Jean-Paul Akayesu*, Case No. ICTR-96-4-T, Judgment, 2 September 1998, para. 688; and Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), paras. 372 (m) and 455.

⁴⁴ See, for example, Inter-American Court of Human Rights, *Miguel Castro-Castro Prison v. Peru*, Judgment, 25 November 2006, para. 312; Working Group on Arbitrary Detention, Opinion No. 25/2009 (Egypt) (A/HRC/16/47/Add.1, para. 28); and Istanbul Protocol, para. 479.

⁴⁵ United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), rules 5, 6 and 10; and Istanbul Protocol, paras. 372 (m) and (o). See also A/HRC/31/57 and communication BLR 3/2023.

⁴⁶ International Covenant on Civil and Political Rights, arts. 7, 10 and 26. See previous reporting on Okrestino and Zhodino (A/HRC/49/71, para. 48, and A/HRC/52/68 and A/HRC/52/68/Corr.1, para. 18).

those detained on politically motivated charges were systematically deprived of basic hygienic items, including menstruation pads, humiliated when asking for them and often denied access to those items in packages sent to them. Such conditions and practices may amount to cruel, inhuman or degrading treatment or punishment or, in some cases, to torture.⁴⁷ OHCHR has established that the conditions and practices of detention were in accordance with instructions given to the guards and directors of temporary detention facilities; several victims from different facilities consistently reported of being specifically told by the guards that the conditions under which they were being held were to be imposed on those referred to as “political detainees” or “terrorists”.

31. OHCHR found that detainees held on politically motivated charges were systematically included on a registry of those prone to extremism and that their clothes and cells were marked with yellow tags. This registration and marking determined their treatment and conditions in the penal colonies and during transfers, which appeared both discriminatory and punitive.⁴⁸ In contrast to other detainees, those on the registry were handcuffed during all transfers, checked more frequently, always had to stand in the first row for inspections, had to sleep on upper bunk beds, had their movements inside the colony and their communication and visitation rights restricted and were not eligible for parole.

32. In addition, OHCHR found that detainees held on politically motivated grounds were subjected to what appeared to be a system of arbitrary and disproportionate punishment.⁴⁹ Detainees released from penal colonies across Belarus consistently told of having been put under strict observation upon arrival, being quickly found to be in breach of prison rules and punished on any pretext, such as an unbuttoned button or a sticker affixed on the bedside table by the guard. This was followed by repeated offences and their subsequent designation as persistent offenders, triggering negative consequences for prisoners, including potentially being charged and further imprisoned for malicious disobedience.⁵⁰ The punishments for those offences appeared disproportionate and sometimes baseless. The conditions in punishment cells (known as “SHIZO”), where detainees were held for periods totalling up to 30 days in complete isolation, with family members unaware of their condition and whereabouts, may amount to torture. The cells were so cold that detainees were unable to sleep and had to exercise to keep warm. Detainees were not allowed any personal items or activity, nor were they allowed to sleep during the day. Further, sentencing was often prolonged, sometimes repeatedly, on the expected end date of prison sentences.

33. OHCHR found that prisoners held on politically motivated charges in penal colonies across Belarus were subjected to compulsory and exploitative labour in unsafe working conditions. Some interviewees reported accidents, injuries and negative health effects due to lack of training, work clothing or protective equipment. Compensation for the workweek of five or six days was usually a few roubles or nothing at all.⁵¹

F. Enforced disappearance

34. Between August 2020 and March 2023, OHCHR documented 27 cases⁵² in which men and women in Brest, Minsk and Vitebsk were brought to police stations and held between 1 and 14 days without a lawyer, with their families denied information on their

⁴⁷ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, arts. 2 and 16; International Covenant on Civil and Political Rights, arts. 7 and 10; and Human Rights Committee, general comment No. 20 (1992). See also communication BLR 3/2023.

⁴⁸ International Covenant on Civil and Political Rights, art. 10; United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), rules 12–16; and principle 6 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

⁴⁹ See communication BLR 3/2023.

⁵⁰ Criminal Code of Belarus, art. 411. See also communication BLR 8/2023.

⁵¹ International Covenant on Civil and Political Rights, art. 8; International Covenant on Economic, Social and Cultural Rights, art. 7; and International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29) and Abolition of Forced Labour Convention, 1957 (No. 105).

⁵² A/HRC/46/4, para. 51; A/HRC/49/71, para. 40; and A/HRC/52/68 and A/HRC/52/68/Corr.1, para. 52.

whereabouts. Those cases may have amounted to enforced disappearance. Most of the persons arrested were ill-treated.

35. OHCHR verified as accurate numerous public reports⁵³ that, as at 31 December 2023, several high-profile members of the opposition in prison, including Viktor Babaryka, Maria Kalesnikava, Ihar Losik, Mikalai Statkevich, Siarhei Tsikhanouski and Maxim Znak, were held incommunicado for prolonged periods, extending up to 11 months. Family members and lawyers have been denied the possibility to meet them or to obtain any information on their whereabouts and condition. The above cases may amount to enforced disappearance.⁵⁴ Some detainees were only heard of when they were brought to a hospital for emergency treatment, triggering serious concerns for their physical and mental integrity and for their lives. After hospital visits, detainees were sent back to isolation. The intense psychological suffering of family members caused by this seemingly intentional punitive treatment of their loved ones, without being able to ascertain whether they remained alive, may amount to torture.⁵⁵ Furthermore, following the arrest in March 2023 of six lawyers representing those prisoners and the subsequent disbarment of at least three of them, fear of harassment, disbarment and criminal prosecution has made it impossible for the detainees to engage new lawyers.

G. Unlawful deaths

36. Since 2020, OHCHR previously documented five deaths that allegedly resulted from unnecessary or disproportionate force used during the protests in 2020 or from a failure to protect life in detention.⁵⁶ OHCHR collected further testimonies, information and evidence relating to three deaths allegedly resulting from unnecessary or disproportionate use of force during the protests in 2020 or in custody. OHCHR has reasonable grounds to believe that one death (Nikita Kryvtsov) was not due to suicide, as alleged by Belarusian authorities, and two other deaths (blogger Nikolai Klimovich and artist Ales Pushkin) resulted from medical negligence in detention. OHCHR found reasonable grounds to believe that the three deaths may amount to a violation of the right to life. While investigations were purportedly carried out, they were not conducted in accordance with international standards according to information available to OHCHR.⁵⁷ International human rights law sets out the obligation of States to investigate potentially unlawful deprivations of life and, where appropriate, to prosecute the perpetrators.⁵⁸ OHCHR continues to investigate 16 other cases of possible unlawful deaths in custody or resulting from the unnecessary or disproportionate use of force by Belarusian security forces.

H. Rights of the child

37. OHCHR previously reported that, between 9 and 14 August 2020, 700 children were arbitrarily arrested.⁵⁹ An OHCHR investigation found that additional widespread arbitrary arrests of hundreds of children were carried out throughout Belarus in 2020–2021, in the

⁵³ See, for example: <https://isans.org/analysis/policy-papers/incommunicado-detention-of-political-prisoners-in-belarus-a-heinous-crime-by-the-lukashenka-regime-must-be-stopped.html>; https://belhelcom.org/sites/default/files/trends_jan-june23_human_rights_in_belarus_key_trends_in_public_policy.pdf; and <https://spring96.org/en/news/113053>.

⁵⁴ Declaration on the Protection of All Persons from Enforced Disappearance, preamble and art. 1 (2). See also communication BLR 4/2023.

⁵⁵ Human Rights Committee, *Kandel v. Nepal* (CCPR/C/126/D/2560/2015), para. 7.14; *Shikhmuradova v. Turkmenistan* (CCPR/C/112/D/2069/2011), para. 6.8; and Working Group on Enforced or Involuntary Disappearances, general comment on the right to the truth in relation to enforced disappearance (2010), para. 4.

⁵⁶ A/HRC/52/68 and A/HRC/52/68/Corr.1, paras. 10–14.

⁵⁷ Human Rights Committee, general comment No. 36 (2018), paras. 12, 25, 27 and 29; Human Rights Committee, general comment No. 37 (2020), paras. 78 and 88; and Minnesota Protocol on the Investigation of Potentially Unlawful Death, para. 2 (a)–(c).

⁵⁸ See also communication BLR 6/2023.

⁵⁹ A/HRC/49/71, para. 37.

context of election-related protests. Aged between 11 and 17, 85 per cent of those arrested were boys. While most were arrested only briefly, over 100 were transferred to detention facilities and over 50 were criminally charged. Three related arrests of children were carried out in 2023. As at 31 December 2023, 10 persons (all male), who were under age 18 at the time of their arrest, remained in detention on politically motivated charges. The arrests and prosecutions also violated the rights of the children to freedom of expression, association and peaceful assembly.

38. As at 31 December 2023, 50 boys and 5 girls had been sentenced in criminal cases on politically motivated charges. Further, OHCHR found that many children were deprived of protections afforded under international law: children below the age of criminal responsibility were criminally charged; some children were interrogated without a lawyer or parent present; there were no juvenile courts; and in several cases alternatives to pretrial detention and imprisonment were not considered. Fearing a long prison sentence, Dmitry Stakhovsky, who had been arrested in November 2020, then aged 17, committed suicide in May 2021. Instead of protecting the particularly vulnerable boy (an orphan), authorities pressured him to self-incriminate and charged him for the organization of mass riots. Belarus authorities failed to conduct an effective investigation into his death. Furthermore, as at 31 December 2023, the Government had placed at least 48 persons (43 male, 5 female), who were under age 18 at the time of the offence with which they were charged, on its list of “terrorist organizations” or “terrorist formations”, with severe negative impact on their rights.

39. In August and September 2020, children protesting or near protest sites were subjected to unnecessary or disproportionate force during arrests and to ill-treatment or possibly torture in detention. In cases verified by OHCHR, children were beaten, including with batons, thrown, kicked and had their arms twisted by the police in Minsk and in the Brest, Gomel and Minsk regions. Children’s hospital records show head injuries and brain concussions, fractures of facial and back bones, bruises and hematoma all over the body, a gunshot wound and an open shrapnel fracture. Five boys were subjected to sexual violence. Once held at police stations or pretrial facilities, children were held kneeling or standing against the wall for prolonged periods, beaten, kicked, threatened and intimidated, deprived of sleep and held together with adults in the same inhumane conditions.⁶⁰

40. OHCHR verified 11 cases where children were among those ill-treated in 2022–2023, including during house searches. Their reported ill-treatment included being forced to record self-incriminating videos without the presence of a lawyer or parent, repeated strip-searches and humiliating comments. In 16 cases across Belarus, boys and girls witnessed heavily armed security forces subjecting their parents to violence and threats⁶¹, including being roughly handcuffed, held at gunpoint, beaten, kicked and threatened with the removal of their children. In 11 of those cases, security forces threatened and insulted the children and held them inside their homes, sometimes at gunpoint. In 32 accounts by children and professionals working with them, the profound psychological trauma and negative physical impact triggered by those events has been recorded.

41. The widespread arbitrary arrest and detention of parents on political grounds violates the right to family life and the best interest of the child.⁶² In numerous cases, authorities failed to consider child-care responsibilities as a mitigating circumstance when deciding to deprive individuals of their liberty. In 14 cases, parents were led away without being allowed to explain their situation to their children or were taken while their children were at school. In 10 cases, children were left without care or taken to orphanages; in other cases, parents were forced under duress to transfer the custody of their children to relatives or friends. Authorities used the so-called “socially dangerous situations” procedure⁶³ to remove children from their parents in ways that seemed more focused on pressuring and punishing parents than

⁶⁰ A/HRC/49/71, para. 48, and A/HRC/52/68 and A/HRC/52/68/Corr.1, paras. 18–20.

⁶¹ European Court of Human Rights, *A v. Russia*, Application No. 37735/09, Judgment of 12 November 2019.

⁶² Convention on the Rights of the Child, arts. 3 and 9; International Covenant on Civil and Political Rights, arts. 3, 23 and 24; and Human Rights Committee, general comment No. 19 (1990).

⁶³ Presidential Decree No. 18 (2006) (<https://spring96.org/en/news/16367>).

safeguarding the best interests of the child. OHCHR previously found that child removal threats were a significant factor driving Belarusians into exile.⁶⁴

I. Right to work and education

42. OHCHR found systematic and widespread violations of the right to work and the right to education of thousands real or perceived opponents. Starting in 2020, discriminatory dismissals and expulsions were carried out in violation of the prohibition of discrimination in access to work and education⁶⁵ and in what appears to be arbitrary and disproportionate punishment. Those violations, which continued until the end of the reporting period, forced many Belarusians to exile and, in some cases, were used in reprisal against family members of primary victims. Further, they were aggravated by the obliteration of the independent labour rights movement.⁶⁶

43. Dozens of interviewees confirmed the publicly reported⁶⁷ patterns of violations of the right to work and education. OHCHR found widespread dismissals from work and expulsions from universities after detention under administrative or criminal charges on politically motivated grounds. The Labour Code and, from January 2022 onwards, the Education Code include absences from work or classes for serving an administrative penalty as grounds for dismissal.⁶⁸ Some interviewees were pressured to resign or were not rehired. Many reported having been told that they were dismissed following instructions owing to their “disloyalty to the State” and named the Committee of State Security as the entity behind such instructions.

44. OHCHR found that expulsions, dismissals, pressure to resign and non-extension of contracts also targeted those who, without being detained, had participated in protests, been active in the student movement, displayed protest symbols or subscribed to social media channels determined as extremist. Most interviewees reported an inability to find new work following dismissals. Many referred to a blacklist used by both public and private sector employers to run background checks on prospective employees and to instructions given to State-owned and private companies by public institutions in this regard. At universities, repression had intensified.⁶⁹ According to interviewees, universities actively discouraged participation in protests or expressions of anti-Government views. Students were threatened with negative consequences, including expulsion, which, for State-funded students, also entails an obligation to reimburse education costs⁷⁰ and, for young men, conscription for military service.⁷¹

45. As of 2021, additional positions of “deputy director for security issues” were created in State-owned companies and public institutions, including universities and medical institutions, to conduct background checks on employees and ensure “ideological alignment”. Furthermore, anyone on the Government’s list of “terrorist organizations” or “terrorist formations” (see sect. A above) is banned from engaging in educational and publishing activities and from holding public office. The Law on Licencing, adopted in

⁶⁴ A/HRC/52/68 and A/HRC/52/68/Corr.1, para. 48.

⁶⁵ Universal Declaration of Human Rights, arts. 2, 23 and 26; International Covenant on Economic, Social and Cultural Rights, arts. 2, 6 and 13; and Convention on the Rights of the Child, arts. 2 and 28.

⁶⁶ A/HRC/52/68 and A/HRC/52/68/Corr.1, para. 38; see also https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_872248.pdf.

⁶⁷ E/C.12/BLR/CO/7, paras. 23, 24, 41 and 42; see also <https://www.salidarnast.info/post/mass-dismissals-for-political-reasons-in-belarus>; <https://www.rferl.org/a/belarus-historical-archive-employees-detained/32551079.html>; <https://charter97.org/en/news/2021/11/29/445843/>; and <https://news.zerkalo.io/life/10026.html?tg>; https://zbsunion.by/en/news/pressure_on_students.

⁶⁸ Labour Code of Belarus, art. 42; and Education Code of Belarus, art. 68.

⁶⁹ See <https://www.belta.by/president/view/lukashenko-protiv-nas-razvernuli-uzhe-ne-informatsionnuju-a-terroristicheskiju-voynu-po-otdelnym-412833-2020/> (in Russian).

⁷⁰ Education Code of Belarus, arts. 68 and 78.

⁷¹ See http://world_of_law.pravo.by/text.asp?RN=v19201914 (in Russian), arts. 32 and 45; see also Belarusian Students’ Association, “The State of Academia in Belarus 2021”, pp. 24–25.

October 2022,⁷² specified that licences for professions that require one, such as legal, medical, veterinary, communication, transportation, education and trade,⁷³ can be refused or revoked for those on the list, raising concerns regarding arbitrary and/or discriminatory deprivation of the right to work and to livelihood.⁷⁴

46. Regarding primary and secondary education, the Law on Licencing required all educational facilities to obtain State accreditation. In 2021, the Minister of Education, Igor Karpenko, explained the motivation behind the licencing of private schools, including those teaching in minority languages, stating that “semi-legal private kindergartens and schools under the guise of individual entrepreneurs, public or religious associations were mostly used for political purposes and became strongholds for the colour revolution”.⁷⁵ Restricting free choice of education,⁷⁶ only five private schools were able to obtain the accreditation in 2023 compared to 35 in 2022.⁷⁷ Furthermore, following the 2022 amendments to the Code of Education,⁷⁸ public schools no longer provided teaching in minority languages. One of the two public schools teaching in Lithuanian was closed and the language of instruction was changed to Russian in the other; there are only two public schools serving the Polish minority. It is apparent that the linguistic and cultural rights of those minorities are restricted.⁷⁹

J. Forced exile and right to nationality

47. Based on recent information,⁸⁰ OHCHR estimates that up to 300,000 individuals have been forced to leave Belarus since 2020 in what has been a concerted campaign of violence and repression intentionally directed at those opposing, or perceived to be opposing, the Government or expressing critical or independent voices.⁸¹ Well-founded fears of arbitrary arrest, detention and conviction without respect for procedural safeguards and fair trial rights, possible torture and ill-treatment, threats of removal of children and discriminatory restrictions on the right to work and education have driven men and women alike into exile. LGBTQ persons in Belarus reported having left the country fearing persecution, as a result, inter alia, of homophobic hate speech from government officials at the highest levels, the association of LGBTQ persons with the opposition movement⁸² and cases of public outing.⁸³

⁷² See <https://pravo.by/document/?guid=12551&p0=H12200213> (in Russian).

⁷³ See https://www.belta.by/president/view/lukashenko-podpisal-zakon-o-litsenzirovanii-v-tom-chisle-dlja-shkol-i-detskikh-sadov-529820-2022/?utm_source=belta&utm_medium=news&utm_campaign=accent (in Russian).

⁷⁴ Law on Licencing (<https://pravo.by/document/?guid=12551&p0=H12200213> (in Russian)), arts. 21 and 39.

⁷⁵ <https://www.belta.by/society/view/obuchenie-i-vozpitanie-detej-pod-pristalnym-kontrolem-gosudarstva-karpenko-456611-2021/> (in Russian); <https://sputnik.by/20230614/skolko-ostalos-v-belarusi-chastnykh-shkol-rasskazali-v-minobrazovaniya-1076599103.html> (in Russian); and <https://neg.by/novosti/otkrytj/chastnykh-shkol-v-belarusi-ostalos-0-1/> (in Russian).

⁷⁶ International Covenant on Civil and Political Rights, art. 18 (4); International Covenant on Economic, Social and Cultural Rights, art. 13 (3) and (4); Convention on the Rights of the Child, arts. 14 (2) and 29 (2); and Committee on Economic, Social and Cultural Rights, general comment No. 13 (1999), para. 57.

⁷⁷ <https://www.belta.by/comments/view/minobrazovaniya-o-edinyh-podhodah-k-gosudarstvennym-i-chastnym-shkolam-8347/>; <https://sputnik.by/20230614/skolko-ostalos-v-belarusi-chastnykh-shkol-rasskazali-v-minobrazovaniya-1076599103.html>; <https://neg.by/novosti/otkrytj/chastnykh-shkol-v-belarusi-ostalos-0-1/>.

⁷⁸ Education Code of Belarus, art. 82.

⁷⁹ Convention on the Rights of the Child, arts. 29 and 30; and International Covenant on Economic, Social and Cultural Rights, art. 13. See also E/C.12/BLR/CO/7, paras. 45 and 46.

⁸⁰ See https://www.europarl.europa.eu/doceo/document/TA-9-2023-0321_EN.html; https://pace.coe.int/en/files/31822/html#_TOC_d19e303; and https://beroc.org/en/publications/working_papers/analysis-of-the-migrant-flow-from-belarus-to-the-eu-in-2021-2022-/.

⁸¹ A/HRC/52/68 and A/HRC/52/68/Corr.1, paras. 53 and 54.

⁸² For example <https://www.youtube.com/watch?v=85u4MsThOgA> (in Russian); <https://life.ru/p/1569250> (in Russian); and A/HRC/52/68 and A/HRC/52/68/Corr.1, para. 47.

⁸³ See para. 27 above.

48. Repression has been extended beyond the borders of Belarus. Belarusian authorities have taken significant steps to restrict the right to nationality on discriminatory and politically motivated grounds. Since July 2023, the Law on Citizenship allows authorities to revoke the citizenship of individuals residing abroad who have been convicted, including in absentia, of extremism or for causing serious harm to the interests of Belarus.⁸⁴ As at 31 December 2023, OHCHR is not aware of any cases of implementation of the law. The authorities did, however, begin implementing 2022 legislation allowing for trials in absentia.⁸⁵ As at 31 December 2023, seven verdicts had been issued in absentia on political grounds against 21 individuals, including the leaders of the political opposition. The President of Belarus reportedly stated there was a “need to take decisions on those who, having gone abroad, act to the detriment of the state ...” and questioned “Do these people deserve to remain citizens of Belarus ...?”⁸⁶ The Minister of Internal Affairs, for his part, reportedly stated “in the future, an extremist who has lost Belarus’ citizenship might be banned from entering the country for up to 30 years”.⁸⁷

49. Additionally, Belarusians abroad are now required to inform the authorities if they obtain a residence permit or other document granting them benefits from their host State in connection with political or religious views or ethnicity,⁸⁸ leading to heightened surveillance of those in exile and their families remaining in Belarus. Further, Presidential decree No. 278 adopted in September 2023 prevents the issuance and renewal of passports and other official documents abroad and stipulates that certain property transactions can no longer be carried out from abroad.⁸⁹ Returning to Belarus places individuals at risk of violence and repression.

IV. Conclusions under applicable international law

50. Human rights violations described herein further substantiate the scale and pattern of the violations identified in previous reports. In the light of all available information, OHCHR has reasonable grounds to believe that numerous violations of international human rights law continued to be committed in Belarus between 1 May 2020 and 31 December 2023. Such violations included arbitrary deprivation of the right to life; arbitrary detention; enforced disappearance; torture and other cruel, inhuman or degrading treatment or punishment, including sexual and gender-based violence; denial of the rights to due process and a fair trial; unlawful interference with family life and failure to safeguard the best interests of the child; violations of the right to education and work; arbitrary denial of the right to enter one’s own country; and violations of the rights to freedom of expression, peaceful assembly and association and of the prohibition of discrimination, notably on grounds of real or perceived political opinion.

51. In terms of additional implications under international criminal law, OHCHR noted in its first report on the situation in Belarus under this mandate that “[g]iven the scale and patterns of the violations identified in the present report, their widespread and systematic nature, and the evidence of official policy, knowledge and direction in respect of their collective execution by multiple State organs, in particular regarding mass arbitrary detention in the period from 9 to 14 August 2020, there are sufficient indicia to warrant further assessment of the available evidence from the perspective of applicable international criminal law”.⁹⁰ In its second report, OHCHR further considered that “[s]ome of the violations [described in that report] may also amount to crimes against humanity, as defined in international customary law, when such acts are committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.

⁸⁴ See http://world_of_law.pravo.by/text.asp?RN=H10200136 (in Russian), art. 19. See also communication BLR 9/2022.

⁸⁵ [A/HRC/52/68](#) and [A/HRC/52/68/Corr.1](#), para. 31.

⁸⁶ See <https://president.gov.by/en/events/coveshchanie-po-zakonodatelstvu-o-grazhdanstve-i-provedeniyu-amnistii-1662468665#block-after-media-scroll>.

⁸⁷ *Ibid.*

⁸⁸ See http://world_of_law.pravo.by/text.asp?RN=H10200136 (in Russian), article 11.

⁸⁹ See <https://isans.org/articles/changes-in-legislation-affecting-procedures-for-receipt-of-education-documents-by-belarusian-citizens.html>.

⁹⁰ [A/HRC/49/71](#), para. 86.

Considered cumulatively, the organized nature of the violations renders it improbable that they were random and accidental. On the contrary, they appear to have been part of a campaign of violence and repression, intentionally directed at those who were – or were perceived to be – opposing the Government or expressing critical or independent voices ...”⁹¹ Evidence gathered during the current reporting period aligns with and strengthens those views, with the campaign of repression against real or perceived political opponents continuing throughout 2023 and the Government of Belarus warning, in dehumanizing terms, that the authorities would react harshly to any attempts to repeat the events of 2020.⁹²

52. Assessing the cumulative body of evidence collected over the three years of the present mandate, OHCHR has reasonable grounds to conclude that the Government has implemented an organized, continuing and systematic campaign of violence, repression and punishment, pursuant to or in furtherance of a policy to attack a civilian population, specifically defined and delineated by its real or perceived opposition to the Government, for the purpose of silencing, suppressing, discouraging and deterring such opposition or further manifestations of opposition, whether in the public space or privately. Under international criminal law, persecution is the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity. Taking into account (a) the range of human rights violations committed against real or perceived political opponents in discriminatory fashion as laid out in the present report, (b) the nature and severity of such violations in terms of the rights to life, physical integrity and security and to freedom from arbitrary detention, as well as of the enjoyment of other fundamental freedoms, and (c) the systematic commission of such violations through the legal and institutional apparatus of the State, as encouraged at highest levels, OHCHR has reasonable grounds to believe that the crime of persecution, which is a crime against humanity, may have been committed, along with other underlying acts, which may be established as a result of the human rights violations described.

V. Accountability

53. There is no reasonable expectation that justice will be delivered for the human rights violations committed in Belarus. There continues to be an active policy to shield perpetrators and prevent accountability.⁹³ OHCHR is not aware of any positive measures taken by Belarusian authorities to effectively investigate reported violations or to hold those responsible to account. Allegations of torture or other ill-treatment have been ignored, including by judges, even when presented with credible evidence. Several victims were pressured to not complain or reported reprisals from complaining.⁹⁴

54. OHCHR continued to collect and preserve information and evidence regarding individuals alleged to have been involved in the perpetration of the above-mentioned gross human rights violations and possible crimes under international law. This includes senior political officials and others at command levels, as well as other officials who have given effect to the legal regime directed against real or perceived political opponents. The extent of individual criminal responsibility merits further investigation and determination by competent judicial authorities, applying international standards.

VI. Recommendations

55. OHCHR reiterates all recommendations contained in its previous reports on Belarus.⁹⁵

⁹¹ [A/HRC/52/68](#) and [A/HRC/52/68/Corr.1](#), para. 54.

⁹² See <https://president.gov.by/en>.

⁹³ [A/HRC/49/71](#), paras. 54, 55 and 88; and Human Rights Committee, general comment No. 31 (2004), paras. 16 and 18.

⁹⁴ [A/HRC/52/68](#) and [A/HRC/52/68/Corr.1](#), para. 21.

⁹⁵ [A/HRC/46/4](#), paras. 77–83; [A/HRC/49/71](#), paras. 93–95; and [A/HRC/52/68](#) and [A/HRC/52/68/Corr.1](#), paras. 65–67.

56. In particular, regretting the non-implementation of its previous recommendations to date, OHCHR urges the Government of Belarus:

(a) To immediately release all individuals arbitrarily detained and sentenced on discriminatory grounds of real or perceived political opinion, ensuring the right to effective remedies and adequate reparation, cease all other ongoing violations of human rights identified in the present report, including the systematic repression of civil society organizations, independent media and opposition groups and individuals, and refrain from committing such violations in the future;

(b) To cease the application of and to dismantle the legal regime applied to repress, on discriminatory basis, the rights and freedoms of persons in Belarus and issue clear, comprehensive and binding instructions to law enforcement authorities and other relevant institutions of Government to refrain and desist from arbitrary and discriminatory application of generally applicable law, in particular the criminal law;

(c) To promptly initiate independent, impartial, effective and transparent investigations into all past violations of human rights, in particular those that may amount to crimes under international law, including the gender dimensions thereof, and ensure that investigations address the full chain of command relevant to individual criminal responsibility.

57. OHCHR further recommends that the Government of Belarus:

(a) Immediately end incommunicado detention of individuals in its custody;

(b) Immediately release all children held on political grounds, expunge their criminal records and establish a comprehensive system of child justice, as recommended by the Committee on the Rights of the Child;⁹⁶

(c) Ensure that counter-terrorism and counter-extremism legislation and related practices are in compliance with international norms and standards and are not used to silence dissent;

(d) Ensure non-discrimination on political or any other grounds in access to work and education;

(e) Guarantee the right to nationality without discrimination and ensure that no Belarusian citizen becomes stateless, including by repealing the amendments to the Law on Citizenship adopted in December 2022 and, in any event, refraining from their implementation.

58. OHCHR continues to recommend that the States Members of the United Nations:

(a) Work towards accountability through national proceedings based on accepted principles of extraterritorial and universal jurisdiction, as well as through other possible avenues, and, in combination, explore further appropriate measures against credibly alleged perpetrators of grave human rights violations, consistent with international law;

(b) Facilitate international refugee protection, as needed, in the light of the continuing grave, widespread and systematic human rights violations in Belarus, and provide additional protection measures, where necessary, to victims, witnesses and other persons who have had to leave the country or were expelled, including through facilitating the issuance and recognition of travel and identity documents.

⁹⁶ CRC/BLR/CO/5-6, para. 43.

Annex I

Note verbale of 22 June 2023 from the Office of the United Nations High Commissioner for Human Rights to Belarus

1. The Office of the United Nations High Commissioner for Human Rights (OHCHR) presents its compliments to the Permanent Mission of the Republic of Belarus to the United Nations Office and other international organizations in Geneva and has the honour to refer to resolution 52/29 on the “Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath”, adopted by the Human Rights Council on 4 April 2023.
2. The above-mentioned resolution, inter alia, requests the High Commissioner to continue “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, ... [and] to engage with the Belarusian authorities and all stakeholders”.
3. In fulfilment of this mandate, OHCHR wishes to inform the Permanent Mission of its intention to deploy a team of human rights officers to the Republic of Belarus to meet with authorities, representatives of civil society organizations and relevant stakeholders, and to investigate alleged human rights violations. OHCHR stands ready to discuss with the Permanent Mission of the Republic of Belarus relevant practical arrangements and details for the mission.
4. Additionally, OHCHR would like to invite the Permanent Mission of the Republic of Belarus to submit relevant information or documentation related to this mandate by 1 November 2023, at the latest.
5. The Office of the United Nations High Commissioner for Human Rights avails itself of the opportunity to renew to the Permanent Mission of the Republic of Belarus to the United Nations Office and other international organizations in Geneva the assurances of its highest consideration.

Annex II

Note verbale of 22 June 2023 from the Office of the United Nations High Commissioner for Human Rights to Belarus

1. The Office of the United Nations High Commissioner for Human Rights (OHCHR) respectfully requests the Government to address the queries detailed herein. OHCHR will take into account the response of the Government when drafting the next report to the Human Rights Council and may provide a link to the present note verbale and to the response of the Government in a footnote appearing on the first page of the report, unless the Government explicitly requests any part of the response to remain confidential.
2. OHCHR would be grateful to receive replies and any other submissions that the Government may wish to present, no later than 24 November 2023.
3. OHCHR avails itself of the opportunity to renew to the Permanent Mission of the Republic of Belarus to the United Nations Office and other international organizations in Geneva the assurances of its highest consideration.

A. Policies and procedures

4. Please provide details on the procedure for approving a “mass event”, and on the number of approved or rejected requests to hold such a “mass event” since the 2021 amendments to the Law on Mass Events came into force and on the grounds for rejecting such requests, if any.
5. Please clarify if there is a specified procedure for handling persons who are detained and charged on extremism- or terrorism-related charges, while they are in detention or serving a sentence of imprisonment.
6. Please provide the regulations and/or rules governing the administration of places of deprivation of liberty, including the procedures governing the transfer of detainees and disciplinary measures.
7. Please provide details on the practice of strip search while in detention, including the grounds for conducting such searches.
8. Please outline what rules of engagement on the use of force by law enforcement officials applied during the 2020 protests and thereafter, in relation to crowd control operations.
9. Please outline the legal grounds for involving military personnel in crowd control operations during the protests in 2020.
10. Please share the standard operating procedures of the Belarus police or other security forces for the conduct of arrest and search operations, including the search of private residence.
11. Please provide details on the mechanisms in place to ensure that disclosure of individuals’ private information to security agencies under the Law on Medical Care and the Law on Psychological Assistance does not unnecessarily and disproportionately breach the rights to privacy and access to health.
12. Please provide details on the mechanisms in place to ensure that disclosure of individuals’ private information to security agencies under Presidential Decree 368 does not unnecessarily and disproportionately breach the rights to privacy and to freedom of expression.

B. Right to life

13. Please provide a list of persons who died in the custody of Belarus authorities or as a result of the use of force by Belarus security forces since 1 May 2020.

14. Please provide detail on the steps taken to investigate the cause of death, and the outcome of investigation, of any person who died in the custody of Belarus authorities or as a result of the use of force by Belarus security forces since 1 May 2020.

C. Investigations and criminal proceedings

15. Please provide an update on the number of persons, disaggregated by gender and age, investigated and prosecuted under extremism- and terrorism-related offences since May 2021, disaggregated by the relevant offence.

16. Please provide an update on the number of persons, disaggregated by gender and age, arrested and prosecuted under Art. 24.23 of the Code of Administrative Offences for participation in unauthorized mass events since May 2020.

17. Please provide information on the number of persons, disaggregated by gender and age, investigated and prosecuted in 2022 and 2023 under Article 193-1 of the Criminal Code (participation in the activities of non-registered, suspended or liquidated association).

18. Please provide details on the number of persons, disaggregated by gender and age, charged and prosecuted since May 2020 for insulting the President, a judge or representative of the authorities, as well as on the criminal or administrative sanction imposed.

19. Please provide an update on the total number of “special criminal proceedings” (*in absentia*) conducted under Chapter 49 of the Criminal Procedural Code since July 2022.

20. Please provide information on the number of persons, disaggregated by gender and age, charged and prosecuted under article 411 of the Criminal Code (for disobedience to the administration of the penal facilities).

D. Freedom of expression and association

21. Please provide an update on the total number of civil society, non-governmental organizations and trade unions registered in Belarus since May 2020.

22. Please provide the complete list of civil society, non-governmental organizations and trade unions closed down by the Belarus authorities since May 2020, including details on the basis for closure.

23. Please provide the complete list of media outlets and telegram channels that have been included in the Republican lists of extremist materials or extremist formations since May 2020, including the reason for their inclusion on the list.

24. Please provide the complete list of websites blocked, pursuant to decisions of the Belarus authorities since May 2020, including the reason for their closure.

25. Please provide the complete list of individuals, disaggregated by gender and age, as well as organisations or entities included in the Government’s “List of Belarusian citizens, foreign citizens or stateless persons involved in extremist activities”; “List of Organizations, Formations, Individual Entrepreneurs involved in Extremist Activities” and “List of Organizations and Individuals involved in Terrorist Activities” and the reason for their inclusion.

26. Please provide a complete list of political parties that sought re-registration pursuant to the Law on the Activities of Political Parties, adopted in February 2023, and the outcome of the re-registration process, including the reason for rejection of re-registration, if any.

27. Please outline the steps taken by the Government to ensure free and fair conduct of the Parliamentary election foreseen for February 2024.

E. Due process and the right to a fair trial

28. Please provide details on how the right to counsel is guaranteed in proceedings under the Code of Administrative Offenses, as well as in disciplinary proceedings against persons in custody.

29. Please provide details on the access to lawyers of those detained and charged, in particular those held in solitary confinement or isolation.

30. Please provide updated information on the number of lawyers, disaggregated by gender, disbarred since May 2020 and the grounds for their disbarment.

F. Citizenship

31. Please provide details on the number of cases, disaggregated by gender and age, of revocation of citizenship by the Belarus authorities, if any, including on the grounds for revoking citizenship since May 2020.

32. Please provide information on the steps taken to ensure that the implementation of the July 2023 amendment to the Law on Citizenship does not result in statelessness, including of children born to Belarusian citizens currently living abroad.

G. Economic, social and cultural rights

33. Please provide information on the number of persons dismissed from State-employment on grounds of having participated in peaceful protest or otherwise exercising their freedom of expression or opinion, association or assembly and/or for being absent from work without the ability to provide a valid justification.

34. Please provide information on the number of persons expelled from educational institutions on grounds of having participated in peaceful protest or otherwise exercising their freedom of expression or opinion, association or assembly and/or for being absent without the ability to provide a valid justification.

35. Please provide information on the number of private educational and cultural institutions closed since 1 May 2020.

36. Please provide information on the number of schools where language of instruction was changed from a national minority language to Russian since 1 May 2020.

37. Please provide information about the practice of appointing a person in charge of security issues at the educational and other public institutions and state-owned companies as of September 2020, the number of such positions introduced, and the rule or regulation which regulates this practice.

H. Accountability for alleged violations of human rights

38. Please provide information on the number of complaints received since May 2020 into human rights violations, allegedly committed by law enforcement personnel, detail on the steps taken to investigate them and the outcome of those investigations.

39. Please provide details of remedies provided to victims of human rights violations since May 2020, if any, including reparations.

40. Please outline action taken against perpetrators of human rights violations since May 2020, including prosecutions and convictions, if any.

I. Implementation of previous recommendations

41. Please outline any steps taken to implement recommendations contained in the last three OHCHR reports on Belarus ([A/HRC/52/68](#), [A/HRC/49/71](#) and [A/HRC/46/4](#)).

J. Access

42. Please reply to the High Commissioner's note verbale dated 22 June 2023 requesting access to Belarus and grant such access.
