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Situation of human rights in Belarus

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin, submitted in accordance with Human Rights Council resolution [47/19](#).

* [A/77/150](#).



Report of the Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin

Summary

In the present report, the Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin, focuses on the situation of Belarusian nationals compelled to leave their country and unable to safely return due to human rights violations, including denial of civil and political rights, such as arbitrary detention or a lack of access to fair trial, as well as economic, social and cultural rights. Their migration is directly connected to policies and practices employed by the Government of Belarus, as well as to the purposefully hostile environment that prevents a safe return. The consistent pattern of human rights violations reveals a specific State strategy aimed at eradicating all dissent or challenges to the current leadership and governance in the country. The Special Rapporteur makes recommendations to the Government of Belarus and the international community to identify sustainable solutions meant to give effect to their international human rights obligations concerning Belarusian nationals compelled to leave their country.

I. Introduction

A. Executive summary

1. The mandate of the Special Rapporteur on the situation of human rights in Belarus was established in 2012 by the Human Rights Council in its resolution 20/13, following a report by the United Nations High Commissioner for Human Rights (A/HRC/20/8). The Council mandated the Special Rapporteur to report annually to it and the General Assembly. Since then, the Council has renewed the mandate 10 times.

2. The present report, submitted to the General Assembly pursuant to Human Rights Council resolution 47/19, focuses on laws, policies and practices intended to or resulting in the decision of Belarusian nationals to leave their country, including individuals compelled to migrate. The Special Rapporteur looks at the hostile environment and human rights violations that force Belarusian nationals to migrate, for reasons that range from fear of persecution on politically motivated grounds to difficulties affecting the enjoyment of economic, social and cultural rights. In addition, the Special Rapporteur examines the human rights challenges and practical consequences of being compelled to leave their country, with the aim of understanding the magnitude, impact and gravity of this phenomenon.

3. In her report to the Human Rights Council at its fiftieth session (A/HRC/50/58), the Special Rapporteur provided a detailed analysis of the deteriorating human rights situation in Belarus, including legislation that increasingly restricts the recognition and exercise of human rights. She highlighted how the systematic repression of dissenting voices has led to the virtual eradication of civil society, with adverse impacts on independent media, civil society activists and human rights defenders. Many Belarusian nationals from different professions and spheres of activity have been left with no choice but to leave the country after being harassed, threatened, intimidated and subjected to severe human rights violations.

4. In the present report, the Special Rapporteur describes the practices that have compelled many Belarusians to leave their country, including raids on private homes and offices, arbitrary detention, criminal prosecution on politically motivated grounds, grave violations of the rights to due process and to a fair trial, the threat of force or coercion against them or their families, disciplinary dismissal from work and banishment from professional associations, and psychological pressure induced by the predominant environment of fear. The situation of migrants in Belarus, which has raised concerns from special procedure mandate holders,¹ is beyond the scope of the report.

5. In the report, the Special Rapporteur builds on first-hand information provided in confidentiality and on testimonies of individuals compelled to leave Belarus due to a well-founded fear of danger to their liberty, physical and mental integrity, and dignity. Reported arrests and detention on spurious criminal charges upon return² and

¹ See www.ohchr.org/en/press-releases/2021/10/belarus-and-poland-stop-sacrificing-migrant-lives-political-dispute-un. The statement of the Special Rapporteur on the human rights of migrants following his visit to Belarus and Poland from 12 to 25 July 2022 is available at www.ohchr.org/en/press-releases/2022/07/un-expert-praises-generosity-towards-ukrainian-refugees-poland-and-urges.

² See www.the-village.me/village/city/whatsgoingon/291379-fail-come-back.

intensified threats of retaliation against those who left³ have instilled additional fears that prevent a safe return.

B. Methodology

6. The Special Rapporteur formally requested access to the territory of Belarus. She has also solicited in-person meetings with the Permanent Representative of Belarus to the United Nations Office at Geneva. The Special Rapporteur regrets the unwillingness of the Government of Belarus to recognize or engage with the mandate, and its refusal to allow access to its territory, despite the fact that the Human Rights Council expressly called upon it to do so.⁴ Nonetheless, the Special Rapporteur maintains hope that the Belarusian authorities will revise their position and find an interest in engaging constructively with her mandate, including by granting her permission for an official country visit in the near future.

7. The Special Rapporteur notes with deep concern that, since the unprecedented human rights crisis of 2020 and the continuing erosion of human rights in the country, a large number of people have left Belarus. While no systematic and methodologically sound statistics have been kept by the Belarusian authorities,⁵ various sources point to a large-scale migration of Belarusians into neighbouring countries over the past two years.⁶ For lack of aggregated and comparable data, it is challenging to gauge with precision the overall number of people compelled to leave, whereas indirect indicators, based on data compiled by different destination countries, give too wide a range. Given the importance of maintaining credibility and factual accuracy, no definitive number is cited in the present report.

8. The present report is primarily based on first-hand information received by the Special Rapporteur during some 30 interviews conducted in person and remotely with Belarusians compelled to go into exile in countries of the European Union and Georgia. The Special Rapporteur undertook visits to Brussels from 9 to 12 May 2022 and to Tbilisi and Batumi in Georgia from 25 to 27 May 2022 to collect first-hand information for the purpose of the report. She is grateful to all the interlocutors who agreed to meet during her visits.

9. The Special Rapporteur participated remotely in a dozen events, several of which were attended by Belarusian nationals in exile, whose testimonies also constituted a valuable input to the present report. Additional information from members of non-governmental organizations monitoring the human rights situation in Belarus, which were also forced to move to other countries after being dissolved in Belarus, open-source information and submissions by various Governments and international human rights organizations were also analysed.

10. The work of the Special Rapporteur is guided by the “do no harm” principle. Consequently, the names of interviewees cannot be disclosed due to safety concerns. Many people who spoke to the Special Rapporteur were reluctant to reveal their

³ On 21 June 2022, the Belarusian Telegraph Agency (BelTA) reported on President Lukashenko’s explanation of the conditions under which those who had previously fled the country could return to Belarus: “They ran abroad, and today 95 per cent (they already write about it openly) want to return. I don’t mind: some will go to jail, others somewhere else [depending on] what they deserve”. See www.belta.by/president/view/kazhdyj-poluchit-cto-zasluzhil-lukashenko-otvetil-na-kakih-uslovijah-mogut-vernutsja-v-belarus-beglye-509234-2022.

⁴ See Human Rights Council resolution 47/19, para. 19.

⁵ Belstat, the national statistics authority, has not released official data on migration since 2019.

⁶ See, for example, an article in *Nasha Niva* dated 18 June 2022 (available at <https://nashaniva.com/293680>), which claims that between September 2020 and May 2022 Belarusian nationals were issued at least 650,000 visas to enter Schengen countries.

current location and requested measures to protect their privacy or anonymity, for fear that publishing their testimonies could expose them, their relatives or colleagues still living in Belarus to reprisals.

11. The present report is not intended to be an exhaustive account of the complex combination of reasons that drive the migration of Belarusian nationals. Rather, it documents a pattern of State repression, which intensified in the context of the August 2020 presidential election,⁷ compelling certain Belarusian nationals to leave their country. In the report, the Special Rapporteur recalls how systematic human rights violations and abuses, including arbitrary arrest or detention on politically motivated grounds or in connection with the legitimate exercise of human rights, have created a climate of fear and anxiety that permeates the entire society, seeks to identify specific groups at risk and puts forward recommendations for improving their human rights situation.

II. Belarusian nationals in exile

A. Scope of the report

12. For the purpose of the present report, the Special Rapporteur uses the notion of “exile”⁸ in reference to any Belarusian citizen or national who temporarily left the country as a result of extensive human rights violations perpetrated as part of a State strategy to suppress criticism and peaceful dissent. In this context, the decision to leave the country cannot be qualified as voluntary, free of coercion and backed by the availability of sufficient valid alternatives.

13. People in exile lack the possibility of safe and sustainable return due to the increased risk of being subject to serious violations of civil and political rights and denial of social, economic and cultural rights. This includes those who fall into well-defined legal categories, such as refugees,⁹ as well as other people compelled by varying degrees to migrate who did not seek asylum. Regardless of their legal status, all people compelled to leave their country have rights under international human rights law and related standards, and it is important to ensure that these rights are upheld. Therefore, the term “exile” is merely descriptive and not a legal definition.

14. Since May 2020 and continuing today, the Belarusian authorities have deliberately imposed legislative restrictions on the exercise of human rights and adopted heavy-handed practices meant to instil fear in the population. State organs and agents act in a concerted manner as part of a broad campaign aimed at suppressing criticism and peaceful dissent. The Ministry of Internal Affairs, the Financial Investigations Department of the State Control Committee, the Main Directorate for Combating Organized Crime and Corruption (GUBOPiK) and the Investigative Committee, along with the Committee of State Security (KGB), systematically harass and persecute individuals, including prominent figures of the opposition, members of civil society organizations, human rights defenders and lawyers taking up human rights cases, members of the independent media and cultural workers.

15. Law enforcement bodies, the judiciary and the court system not only fail to provide adequate protection for the enjoyment of human rights, but often are used arbitrarily as a means of repression, intimidation and reprisal. Faced with threats of reprisal and pre-emptive coercion for doing their job and exercising their right to

⁷ See www.ohchr.org/en/2021/09/interactive-dialogue-interim-oral-update-ohchr-situation-human-rights-belarus.

⁸ No universal definition of “exile” under international law has been agreed.

⁹ Convention relating to the Status of Refugees of 1951, art. 1 A (2).

freedom of expression and peaceful assembly, Belarusians who disapprove of their Government's policies were left with three equally unappealing options, which, borrowing from Albert Hirschman's famous treatise, can be summed up as "loyalty, voice or exit": censoring themselves as a means of survival (compliance with restrictive legislation); voicing their criticism, thereby exposing themselves and possibly their relatives to repression; or leaving the country.

16. For the purpose of the present report, the Special Rapporteur has requested and received official statistical information from several Governments on the number of visas (humanitarian or other) issued to citizens of Belarus, asylum requests filed by Belarusian citizens, registered cases of migration (for work or family reasons) and resident permits issued to Belarusian citizens that have arrived in their countries since 2020. Poland, Lithuania, Latvia, Germany, Czechia, Estonia and other States members of the European Union were the intended destination for many Belarusian nationals. Ukraine used to be a primary destination in 2020 and 2021. However, since 24 February 2022, the war in that country has compelled Belarusian nationals to move again to other countries.

17. Those who did not hold or had no time to apply for a visa to a European Union country oftentimes chose to move to Georgia, which Belarusians can enter without a visa and where they can stay legally for up to one year without needing to register. Moreover, since the sanctioning of Belarusian airline Belavia following the 23 May 2021 Ryanair incident, Georgian airports are among the few in Europe to which direct flights from Minsk still operate.

18. According to data collected by the Ministry of Internal Affairs, the number of Belarusian citizens entering Georgia significantly increased in March 2022.¹⁰ It can be inferred from the interviews conducted on location by the Special Rapporteur that many Belarusians came to Georgia from Ukraine, where they had been in exile since 2020 or 2021, and from where they had had to flee the war after 24 February 2022. Those who had no permanent residence permit in Ukraine were not eligible for temporary protection in European Union countries.¹¹ In this context, many chose to move to Georgia.

19. Decision concerning the country of relocation were also affected by the fact that most States members of the European Union have reduced the capacity of their consulates in Belarus since June 2021. Moreover, several countries have restricted or banned the issuance of visas to Belarusians as part of a sanctions policy directed against Belarus following its involvement with the aggression of the Russian Federation against Ukraine.

20. Lastly, many Belarusian businesses and workers in the digital technology sector felt compelled to leave Belarus as the restrictive measures imposed by the European Union following the 2020 Belarus presidential elections were progressively tightened.

21. While many Belarusians who left their country in the past two years would likely be entitled to asylum or other protection under international human rights and refugee law, only a small number have sought international refugee protection. For example, from August 2020 until the end of 2021, only 2,300 Belarusians requested asylum in Poland, although the rate of acceptance increased considerably during that time (to 95 per cent in 2021).¹² According to information publicly provided by the

¹⁰ See https://idfi.ge/ge/border_crossing_statistics_of_citizens_of_ukraine_russia_and_belarus.

¹¹ See Council of the European Union Implementing Decision 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection. Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022D0382>.

¹² See www.gov.pl/web/udsc/ochrona-miedzynarodowa-w-2021-r.

European Union Agency for Asylum, in 2021 some 3,800 Belarusians lodged asylum applications, three times as many as applied the year before. Belarusians had especially high recognition rates.¹³ As of March 2022, there were 2,631 pending cases. More Belarusian nationals started to apply in March 2022; about 810 new applications were lodged, 142 per cent more than in February 2022.¹⁴

B. International legal framework

22. The International Bill of Human Rights (Universal Declaration of Human Rights, International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights) provides the bedrock of protection from the human rights violations and abuse that compelled many Belarusian nationals to leave their country, regardless of their subsequent categorization into more specific groups with more precisely defined entitlements. The International Covenant on Civil and Political Rights, in its article 12 (4), guarantees that no one shall be arbitrarily deprived of the right to enter his or her own country. This provision has been interpreted by the Human Rights Committee as a prohibition from forcing citizens into exile and the related right to be protected against any action impeding access to or staying in the country.¹⁵ In its general comment No. 27 (1999) on freedom of movement, the Committee recognized various facets of this right, including the right to remain in one's own country, the right to return after leaving and the prohibition of mass expulsions to other countries. It established that the right of a person to enter his or her own country recognizes the special relationship of a person to that country and determined that States "must not, by stripping a person of nationality or expelling an individual to a third country, arbitrarily prevent this person from returning to his or her own country".¹⁶

23. At the regional level, the principle of non-expulsion of people from countries of which they are citizens is included in Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, adopted in 1963. Article 3 (1) of the Protocol provides that no one shall be expelled, by means either of an individual or of a collective measure, from the territory of the State of which he or she is a national. The Special Rapporteur regrets that Belarus has not acceded to the European Convention on Human Rights.

24. Furthermore, international human rights law obliges States to respect, protect and fulfil the civil, political, economic, social and cultural rights of all individuals under their jurisdiction and effective control.¹⁷ To ensure that people are not compelled to leave their own country and, as a corollary, for individuals to be able to safely and sustainably return to and reintegrate in their own country, it is incumbent on the State to secure and sustain adequate conditions. These should include access to justice and protection against discrimination, arbitrary detention and all forms of

¹³ See <https://euaa.europa.eu/latest-asylum-trends-annual-overview-2021>.

¹⁴ See <https://euaa.europa.eu/latest-asylum-trends-asylum>.

¹⁵ See CCPR/C/VNM/CO/3, para. 42.

¹⁶ See CCPR/C/21/Rev.1/Add.9, para. 21.

¹⁷ Belarus is a State party to core United Nations human rights treaties, except the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

violence, and conditions that allow people to consider that they are in an environment of personal safety, economic empowerment, inclusion and social cohesion.¹⁸

25. All persons who had to leave Belarus and find themselves under the jurisdiction of another State are protected under international human rights law regardless of their legal status or circumstances. Refugees and asylum-seekers are entitled to specific protection under international and regional refugee law. Other international instruments recognize the specific needs of persons who can be classified legally as, inter alia, children, women, trafficked persons, migrant workers, stateless persons, internally displaced persons or persons with disabilities.

C. Human rights violations compelling Belarusian nationals to leave their country

26. In her previous reports, the Special Rapporteur provided a comprehensive analysis of the legislation, policies and practices that had caused further deterioration of the human rights situation in Belarus and increased hostility towards individuals and groups that work to protect and promote respect for human rights.¹⁹ Furthermore, the report of the United Nations High Commissioner for Human Rights has provided a stark account of the widespread and systematic practice of grave human rights violations aimed at suppressing criticism of and dissent against governmental policies, as well as the lack of effective remedies available domestically for Belarusians.²⁰

27. The information collected by the Special Rapporteur for the present report reveals a number of coordinated actions that compelled members of Belarusian society to leave their country or prevented them from returning home. Before and in the immediate aftermath of the August 2020 elections, Belarusian authorities forced prominent members of the political opposition to leave as part of a strategy employed to eradicate all political alternatives to the Government. This includes at least three cases in which opposition leaders and activists were taken to the border and told to leave Belarus under threat of arrest and violence.²¹

28. Whereas at first the targets were often tied to prominent opposition figures, a sweeping crackdown on civic space compelled a large number of independent journalists, media workers, civil society activists, human rights defenders, artists and cultural workers to leave. Some were targeted for human rights monitoring work, advocacy and cooperation with the United Nations.²² The concerted and prolonged raids, arbitrary detention and dissolution of non-governmental organizations²³ reveal an objective of eliminating all possibility of an independent civil society in the country, maintaining a tightly controlled information space and eradicating participation in public affairs and genuine debate.

¹⁸ On the issue of return and reintegration, see Human Rights Council resolution 38/14; see also United Nations Network on Migration, “Ensuring safe and dignified return and sustainable reintegration”, position paper, available at https://migrationnetwork.un.org/sites/g/files/tmzbdl416/files/docs/position_paper_-_ensuring_safe_and_dignified_return_and_sustainable_reintegration.pdf.

¹⁹ See A/HRC/50/58.

²⁰ See A/HRC/49/71.

²¹ See A/HRC/46/4, para. 51.

²² See A/HRC/48/28, paras. 40–41, and annex I, paras. 1–7.

²³ Between the post-election period of 2020 and May 2022, 448 organizations were forced to dissolve, including several long-standing partners of the United Nations human rights bodies and mechanisms, and 317 organizations decided to dissolve themselves. See www.lawtrend.org/freedom-of-association/situatsiya-so-svobodnoj-assotsiatsij-i-organizatsiyami-grazhdanskogo-obshhestva-respubliki-belarus-obzor-za-maj-2022-g.

29. Since February 2022, repressive measures have also been targeted at any group of people that has protested or voiced concerns about the role of Belarus in the ongoing Russian aggression on Ukraine.²⁴ The protesters have been placed under administrative arrest, and some have had criminal cases opened against them for anti-war actions and expressions, such as posters, leaflets and inscriptions saying “No to war”, anti-war letters sent to State authorities, anti-war statements on social networks and the wearing of yellow-blue ribbons. The Special Rapporteur has also received reports about young men leaving Belarus for fear of the active involvement of Belarus alongside the Russian Federation in the war against Ukraine.²⁵

30. Moreover, the intimidation and harassment of people that participated in “unauthorized mass events”, such as the peaceful marches and protests during the second half of 2020, have intensified. As one interviewed source recalled: “Each of us can be prosecuted. I deleted all pictures from my devices, but I still feared that a picture of me would be found on someone’s social media. On GUBOPiK’s website, I saw photographs of people that were peacefully protesting next to me. I left Belarus on the same day when I received my passport.” Telegram chat groups created for coordinating women’s marches, tea parties among neighbours and solidarity pickets were later labelled as “extremist”, and the people that participated in them were retroactively prosecuted for acts that did not amount to crimes at the time, contrary to the Constitution of Belarus and international human rights law.

31. Belarusians compelled to leave their country used a variety of means and routes, ranging from regular border crossings – limited by travel restrictions related to the coronavirus disease (COVID-19) in 2020 and 2021 – to unsafe pathways when no other options were left for them. In October 2020, six months later than most other countries, Belarus introduced its own COVID-19-related travel restrictions. In November 2020, President Aleksandr Lukashenko instructed the Government not to allow entry to Belarus to those who had left during the pandemic, stating that the ban should apply “not only to people with foreign passports, but also to those ‘smart’ Belarusians who left our country during this difficult time”.²⁶ Border closures were interpreted as a politically motivated decision meant to prevent potential opponents from returning to Belarus and joining the protest movement.²⁷ In an interview televised on 14 November 2020, Mr. Lukashenko recommended that a “core group” of 2,000 protesters should be “taken away to Lithuania and Poland”, in violation of the Constitution of Belarus.²⁸

32. Some thought to temporarily stay out of Belarus “until things settle down”, but after seeing their colleagues, friends or relatives being intimidated or detained, they decided to stay abroad. Others who were abroad for work or personal reasons were advised not to return to Belarus, because their offices had been raided or their flats searched and sealed in the meantime. Some left as the only possible means of distancing themselves from the current policies and actions of Belarusian decision-

²⁴ On 20 May 2022, lawyer Alexander Danilevich was detained and placed in the pretrial detention centre of the State Security Committee on criminal charges, allegedly in connection with his expression of opposition to the war. This includes a public petition against the war in Ukraine, which he signed in his capacity as a lawyer.

²⁵ See www.belta.by/president/view/lukashenko-zapad-razrabatyvaet-strategicheskie-plany-napadenija-na-rossiju-napravlenija-udara-izvestny-513122-2022/?utm_source=yxnews&utm_medium=desktop.

²⁶ See www.rbc.ru/society/10/12/2020/5fd14b749a7947812828fc94.

²⁷ See www.dw.com/ru/kogo-puskajut-v-belarus-i-chto-proishodit-na-granice/a-55451353.

²⁸ See Constitution of Belarus, art. 30: “Citizens of the Republic of Belarus shall have the right to move freely and choose their place of residence within the Republic of Belarus, to leave it and to return to it without hindrance.”

makers, seeing no avenue to safely participate in and influence the conduct of public affairs in their own country.

33. All those who fled were reluctant to do so. Most of them recounted a range of challenges concerning separation from families, leaving behind their spouse, children, friends and colleagues, severing social ties, discontinuing work or studies and abandoning homes and other material assets. In this context, the decision to emigrate, albeit temporarily, was forced by circumstances, and gave way to other restrictions of human rights while in exile.

34. People recounted the lack of time to plan their move; several of them took the decision to leave in a matter of days and sometimes only hours, boarding the cheapest flight departing to a country that they were allowed to enter. All of those interviewed still had no certainty as to when it would be safe for them to return home, and where to return to.

35. Those exposed to criminal prosecution, when a criminal case had already been opened against them before they left, risk being sentenced in absentia to penalties that may include the seizure of property. There is also a considerable number of Belarusian nationals that left the country fearing criminal prosecution who do not have access to information on whether a criminal case was opened against them after they left.

36. It has been brought to the Special Rapporteur's attention that, while abroad, several activists have had the interior of their home damaged during what appear to have been punitive, rather than investigative, searches conducted by agents of the Committee of State Security or the Main Directorate for Combating Organized Crime and Corruption. Civil society activists in exile are also wary of the risk that their parents could be targeted.

37. In addition, many had to leave the country due to threats to economic, social and cultural rights, in particular discrimination and arbitrary dismissal from employment. In 2021, almost 740,000 people were laid off, mostly in the manufacturing sector, reportedly as a result of the liquidation of organizations and "personnel optimization". While, in theory, they have the choice and possibility of returning to Belarus without fear of imminent repercussions, in practice they cannot return because they cannot exercise their civil and political, as well as economic, social and cultural, rights in the country.

38. Belarusian nationals compelled to leave their country experience a number of violations of their human rights, including the rights to work, privacy and family life, association and expression, and the right to engage in the conduct of public affairs. For example, Belarusians abroad could not participate in the constitutional referendum held on 27 February 2022.²⁹

39. Furthermore, the Constitution of Belarus was amended to restrict the exercise of the right to be elected by persons residing abroad. Article 80 extends from 10 to 20 the number of years of permanent residence in Belarus mandatory for a citizen to be elected as President, while prohibiting persons who "previously had citizenship of a foreign State or a residence permit or other document of a foreign State entitling them to benefits" from running.³⁰

40. Belarusian nationals in exile face a limitation on their fundamental right to social protection, including access to their pensions. They also cannot access banking and insurance services and have difficulties undertaking some administrative

²⁹ See [A/HRC/50/58](#), para. 43.

³⁰ *Ibid.*, para. 58.

procedures with civil registrars. This includes being denied consular services or fearing to enter a Belarusian consulate in order to seek such services.

III. Targeted persons and groups

41. Intimidation, harassment, searches of homes, prosecution, arrests, detention and criminal charges have been used to target Belarusians from all professional categories and social groups, such as civil society activists, journalists, human rights defenders, lawyers, medical workers, teachers, athletes, artists and Telegram chat administrators. In fact, anyone seen or perceived to be participating in protests or exercising his or her legitimate freedom of expression or peaceful assembly could be targeted.³¹ Creating such an environment in which human rights are not protected, in the absence of domestic remedies and accountability for human rights violations, can be seen as a policy of instilling fear to compel the targeted groups to leave the country. Some international non-governmental organizations have alleged that this could amount to a crime of deportation.³²

A. Civil society activists and human rights defenders

42. Raids on the homes and offices, arbitrary arrests and criminalization of human rights work have become common practice in Belarus.³³ The crackdown on an unprecedented scale on civil society and human rights defenders in Belarus, including for their public reporting and in reprisal for their cooperation with the United Nations, has forced the members of this targeted group into exile. The ones who remain in Belarus cannot speak freely or work in a safe environment, risking threats, intimidation or reprisals for their legitimate human rights activities.

43. Multiple privately interviewed sources recounted similar experiences of terror: “We lived in constant fear that men in plain clothes would come to our door in the early morning hours and raid the place in search of anything that could be used as grounds for arrest, including pictures or messages on private social media accounts. No one knew what to expect; we feared torture and criminal prosecution on spurious charges.” One source recounted her fear that her home would be searched in connection with her professional activities: “I know, myself, I would succumb under torture; I would give away my laptops’ passwords and thus expose my employees and partners to danger. I preferred to flee the country to spare them this.” Hence, after the election of 2020 and during the periods of remote working due to the COVID-19 pandemic, people who felt at risk of having their homes raided stored all working equipment and documents at locations away from their place of residence. Another source recounted having a checklist of what needed to be done when “security forces are breaking into your home to destroy all material that could compromise you, friends or colleagues”.

44. The homes of human rights defenders and civic activists were raided in a brutal manner by men in balaclavas and uniforms without identification, supposedly officers of the Financial Investigations Department of the State Control Committee, the Main Directorate for Combating Organized Crime and Corruption and the Investigative Committee, alongside officers of the Committee of State Security. Usually, raids were

³¹ See [A/76/145](#), para. 46.

³² In May 2021, the International Partnership for Human Rights, in collaboration with Global Diligence LLP, Truth Hounds and the Norwegian Helsinki Committee, submitted a communication under article 15 (2) of the Rome Statute of the International Criminal Court.

³³ See www.ohchr.org/en/press-releases/2021/03/belarus-crackdown-human-rights-defenders-deepens-expert.

carried out during early morning hours and, in some cases, with armed security officers breaking the door down. In addition to the intimidating effect on adults, such measures have traumatizing effects on children, as testified to by people whose houses were raided.

45. Computers, mobile phones, laptops and other equipment, including gadgets belonging to children, are seized during such raids. All sources reported fear of ill-treatment or torture for refusing to disclose the passwords. No lawyers are present during the searches and subsequent interrogation.

46. In February 2021, nationwide raids affected a total of over 40 activists,³⁴ including the central office of the Belarusian Association of Journalists³⁵ and the Minsk offices of the Human Rights Centre “Viasna”, as well as Viasna’s office in Mahiliou. The central office of the independent Belarusian Radio and Electronic Industry Workers’ Union was also searched. In addition, the private apartments of numerous human rights defenders in Minsk, Mahiliou, Brest, Viciebsk, Homiel, Mazyr, Rechytsa, Baranavichy and other cities were also raided.

47. The crackdown on human rights defenders and organizations in Belarus was later renewed, and, on 5 April 2021, Tatsiana Hatsura-Yavorskaya and four other members of the Zvyano association were arbitrarily detained.³⁶ One week later, her husband was taken for interrogation and, after being physically and psychologically abused, he was threatened with criminal prosecution and given 48 hours to leave the country. Ms. Hatsura-Yavorskaya was banned from leaving Belarus as a suspect in an undisclosed criminal case.³⁷ Facing the risk of unlawful prosecution, she moved out of the country.

48. On 14 July 2021, another attack on civil society took place.³⁸ Raids were carried out on the offices and at the homes of members of Viasna, Imena, the Lawtrend Centre for Legal Transformation, Gender Initiatives, the Belarusian Helsinki Committee, Human Constanta and a number of other non-governmental organizations. Eleven human rights defenders and activists were detained, including Viasna members Ales Bialiatski, Valiantsin Stefanovich and Uladzimir Labkovich, who have remained in pretrial detention since then.³⁹

49. In the aftermath of these raids and prolonged harassment, and as a result of the forced dissolution of non-governmental organizations and the criminalization of individual activities in unregistered or forcibly dissolved non-governmental organizations,⁴⁰ human rights defenders and activists started to move out of Belarus and continue their work from abroad. The continuous criminalization of civil society activists in Belarus in connection with their work has a chilling effect, preventing many from returning to their country.

³⁴ The Investigative Committee said in a public statement that the raids were part of a probe into the “organization and preparation of actions that grossly violate public order” and that “as part of a preliminary investigation to establish the circumstances of the financing of protest activities, investigators initiated searches of organizations positioning themselves as human rights defenders”.

³⁵ See sect. III.B of the present report.

³⁶ See www.fidh.org/en/issues/human-rights-defenders/belarus-judicial-harassment-of-six-human-rights-defenders.

³⁷ Allegation letter AL BLR 7/2021. See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26494>.

³⁸ See www.ohchr.org/en/2021/07/comment-un-high-commissioner-human-rights-michelle-bachelet-belarus.

³⁹ Allegation letter AL BLR 8/2021. See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26612>.

⁴⁰ See A/HRC/50/58, para. 28.

50. The Special Rapporteur has received information about raids at non-governmental organizations while their founders were outside Belarus, sending them a strong signal that they should not return or else they would face criminal prosecution. This was the case for a human rights activist who was attending a conference outside of Belarus when she learned that the office of the organization, which she had registered and was leading, had been raided, supposedly at the order of the Financial Investigations Department of the State Control Committee. The warrant authorizing the search reportedly lacked specific details as to the grounds for the search. Documents, flash storage drives and office equipment were seized from the site. The office remains closed, and its bank accounts are blocked.

51. The scale and pattern of persecution targeting human rights defenders and activists strongly suggest that limitations on the legitimate exercise of human rights are aimed primarily at forcing people into silence or into exile as a strategy to suppress independent monitoring and scrutiny of compliance with international human rights obligations, rather than at any goal regarded as legitimate under human rights law that is asserted by Belarusian authorities.

B. Journalists and media workers

52. According to the Belarusian Association of Journalists, which represents 1,300 members,⁴¹ “media organizations and journalists are under severe repression and public discourse is almost entirely suppressed”.⁴² Reportedly, some 300 members of the Association have decided to leave the country.⁴³ More than 100 Belarusian journalists have fled to Ukraine.⁴⁴ After the outbreak of the war in that country, they had to flee again and move to other countries.

53. In February 2021, the Belarusian police, Committee of State Security officers and members of the Main Directorate for Combating Organized Crime and Corruption carried out coordinated searches and arrests, including at the offices and homes of human rights defenders and journalists of the Belarusian Association of Journalists.⁴⁵ In July 2021, the raids were renewed and the offices of the Association were raided for a second time. Simultaneously, the Ministry of Justice began the process of forcibly dissolving the Association; it was subsequently dissolved on 27 August 2021 by a decision of the Supreme Court and its work in Belarus forbidden.⁴⁶

54. Over 100 journalists were subject to searches of their homes, including employees of *Nasha Niva*, one of the country’s oldest independent newspapers.⁴⁷ The authorities opened a large number of criminal cases and arbitrarily detained journalists and media workers. After the arbitrary detention of the newspaper’s editor-in-chief, Yahor Martsinovich, and its head of marketing, Andrei Skurko, on 8 July 2021, the editorial team of *Nasha Niva* had to move outside of the country, where it

⁴¹ The Association has operated since 1995 and unites more than 1,300 media workers. It is an influential organization recognized by the international professional community. Despite the challenges, the Association continues to receive support and, at the end of April, it was awarded the 2022 United Nations Educational, Scientific and Cultural Organization/Guillermo Cano World Press Freedom Prize.

⁴² An assessment by Barys Haretski, the Vice-President of the Belarusian Association of Journalists.

⁴³ See <https://euvsdisinfo.eu/a-dictator-in-panic-forces-belarus-to-live-in-fear/#>.

⁴⁴ See <https://baj.by/en/analytics/belarus-free-press-continues-despite-attacks>.

⁴⁵ See www.omct.org/en/resources/urgent-interventions/belarus-escalating-crackdown-on-human-rights-defenders.

⁴⁶ See <https://baj.by/en/analytics/supreme-court-liquidated-belarusian-association-journalists>.

⁴⁷ See <https://spring96.org/en/news/104269>.

continues to publish online. On 15 March 2022, they were sentenced to two and a half years of imprisonment on politically motivated charges.

55. The offices of Radio Free Europe/Radio Liberty and Belsat, the largest independent television channel covering Belarus, were also searched, and several of their journalists were detained, including Aleh Hruzdilovich. Although he was arrested on 16 July 2021 and released on 26 July 2021, he was again detained on 23 December 2021 and sentenced to a year and a half in prison on 3 March 2022.⁴⁸

56. At the time of completion of the present report, 27 journalists were behind bars in Belarus.⁴⁹ The maximum punishment for a journalist has been a 15-year sentence for blogger Ihar Losik, who was detained on 25 June 2020. He was a consultant for the Belarusian service of Radio Free Europe/Radio Liberty and had created a Telegram channel which the authorities later claimed served to “organize riots” (art. 293.1 of the Criminal Code) and “incite hatred” (art. 130).⁵⁰ In the first four months of 2022, five sentences were handed down against journalists in criminal cases.

57. Journalists are facing additional persecution for expressing their anti-war positions. Yury Hantsarevich was detained and accused of passing on information about troop transfers of the Russian Federation in Belarus. According to the charges, he faces up to six years of imprisonment.⁵¹ In the current environment, very few people are ready to risk expressing their opinions and exercising freedom of expression. Nonetheless, a large number of Belarusian journalists remain in the country despite continuous repression, legislative limitation on the right to freedom of expression and constant curtailment of media freedoms.

C. Political opposition

58. The period in the run-up to the 2020 presidential election in Belarus, from May to early August 2020, was characterized by a wide range of repression against opposition candidates and their families. Several opposition candidates were detained arbitrarily ahead of the election on criminal charges,⁵² while others were forced to leave Belarus.

59. In the light of the large-scale social mobilization in support of political opposition candidates and the peaceful protests following the announcement of the election results,⁵³ the authorities resorted to harassment and threats of criminal prosecution against visible opposition figures as a strategy to suppress the protests across the country.

60. In July 2020, presidential candidate Sviatlana Tsikhanouskaya sent her children abroad for safety, citing telephone threats. She was forced out of the country on 11 August.⁵⁴ Valery Tsepka, who had also sought to run for president,⁵⁵ left Belarus with his children, citing concerns for their safety.⁵⁶ Reportedly, he had received advance information about his planned arrest. On 10 August 2020, his wife Veronika

⁴⁸ See <https://prisoners.spring96.org/en/person/aleh-hruzdilovicz>.

⁴⁹ See <https://baj.by/en/content/journalists-are-not-criminals-five-media-representatives-trials-about-start-belarus>.

⁵⁰ See <https://baj.by/en/analytics/belarus-free-press-continues-despite-attacks>.

⁵¹ See <https://baj.by/en/content/journalist-who-photographed-russian-military-vehicles-taken-custody>.

⁵² See A/HRC/49/71, para. 17.

⁵³ See A/HRC/46/4, para. 21.

⁵⁴ See www.bbc.com/news/world-europe-53733330

⁵⁵ See A/HRC/49/71, para. 16.

⁵⁶ See www.hrw.org/news/2020/07/30/belarus-crackdown-political-activists-journalists.

Tsepkalo left the country as well, after receiving threats that she would be arrested in connection with her work for the opposition candidate. By October 2020, most leaders of Ms. Tsikhanouskaya's election campaign and post-election protests, including prominent members of the opposition Coordination Council, had been forced to leave the country.

61. The special procedure mandate holders addressed a joint allegation letter to the Government of Belarus on 16 September 2020 concerning the "systematic targeting and persecution by security forces of the members of the opposition associated with the Coordination Council".⁵⁷ A criminal case was initiated against the members of the Coordination Council under part 3 of article 361 of the Criminal Code, alleging the making of "public appeals via mass media or the Internet to seize State power, or commit prohibited acts aimed at harming the national security of the Republic of Belarus".⁵⁸

62. Those who relentlessly refused to leave faced criminal prosecution. On 7 September 2020, Maryia Kalesnikava, a prominent supporter of Ms. Tsikhanouskaya's election campaign and a member of the Coordination Council, was detained incommunicado and subjected to a failed forceful expulsion attempt.⁵⁹ After almost a year in pretrial detention, she was sentenced to 11 years imprisonment for alleged violations under articles 357 (1), 361 (3) and 361-1 (1) of the Criminal Code.⁶⁰ This notorious case is emblematic of the harsh treatment that the political opposition and activists should expect if they refuse to leave Belarus.

63. The Special Rapporteur received credible information about continuing intimidation of individual members of the political opposition in exile, including by means of personalized threats and the intentional destruction of property during raids on their homes in Belarus. Cases in which police officers of the Investigative Committee, alongside officers of the Committee of State Security, exceed their authority and violate the rules governing searches are becoming a trend, affecting prominent opposition figures who have openly criticized the Government and its policies. Moreover, security officers reportedly film the results of their searches without fear of facing accountability for breaking the law, and release videos entitled "before and after the search" on a Telegram channel.⁶¹ This sends a strong message that, while people might feel relatively safe in exile abroad, their belongings – and therefore potentially their relatives as well – can become the target of reprisals. A source reported that police had refused to open an investigation into the destruction of property at her home under the justification that "everything has been done under Belarus law" and consequently there was a lack of grounds for initiating a case.

64. The Special Rapporteur received concerning allegations that the lists of signatures in support of candidacies in the presidential election of 9 August 2020, kept at the Central Election Commission, had been shared with law enforcement agents. People who provided signatures for candidates other than Aleksandr Lukashenko fear arbitrary detention and criminal charges on politically motivated grounds as punishment for their legitimate exercise of the right to participate in political and public affairs and of the right to freedom of expression in the pre-election period and during the election.

⁵⁷ Allegation letter AL BLR 7/2020. See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25558>.

⁵⁸ See <https://eng.belta.by/society/view/konyuk-criminal-case-opened-against-coordination-council-in-belarus-132734-2020>.

⁵⁹ See A/76/145, para. 34.

⁶⁰ See A/HRC/50/58, para. 83.

⁶¹ See, for example, <https://nashaniva.com/?c=ar&i=292692>.

D. Writers, artists and other cultural workers

65. The repression also affected the cultural sector, as many cultural figures expressed publicly their civic position or joined the peaceful protests contesting the legitimacy of the outcome of the 2020 presidential election. PEN Belarus reports that 79 cultural workers have been criminally prosecuted and jailed on politically motivated grounds.⁶² Many more have been arrested and detained on administrative charges. The mass firing of staff from State cultural institutions in retaliation for dissent, along with censorship and prohibitions, have characterized the two years since the 2020 presidential elections.

66. The quantity of material recognized as extremist is growing. One interviewed source fears exposing her parents to criminal liability due to books that she stored at their house, which have been added to the list of extremist material,⁶³ such as those by Nobel Prize-winning author Sviatlana Aleksievich.

67. Many famous Belarusian artists and cultural workers resigned in protest against the State's encroachment on the freedom of artistic and civic expression and its reprisals against the diversity of opinions in the society. This hostile environment has forced cultural workers to leave Belarus. Among them is the famous conductor Viachaslau Volich, who resigned two days after his appointment as chief conductor of the National Opera and Ballet Theatre; opera singer Marharyta Lyauchuk, who was fired from the National Opera in 2020, allegedly for her political positions; and Andrey Pavuk, a noted opposition blogger and singer, who has been critical of the Lukashenko Government.

E. Lawyers

68. The harassment and persecution that has forced lawyers into exile, especially lawyers working with politically sensitive cases or cases of human rights violations, is having a devastating effect on the administration of justice and the overall rule of law in Belarus. In a public statement issued on 4 March 2021, 42 human rights organizations raised concern at the pressure on the profession and the established practice of administrative and criminal prosecution of lawyers defending opposition leaders and civil society activists.⁶⁴

69. Lawyers are exposed to the threat of disbarment and termination of their licences, with the aim of preventing the discharge of their professional duties. According to the Ministry of Justice, between January 2021 and April 2022, it terminated the licences of 47 lawyers, describing them as “destructively minded”.⁶⁵ A total of 66 lawyers have been deprived of the right to exercise their profession; of those, five lawyers have been criminally prosecuted and the others have had their licences withdrawn.⁶⁶

⁶² See <https://penbelarus.org/en/2022/05/05/manitoryng-parushennyau-kulturnyh-pravou-i-pravou-chalaveka-u-dachynenni-da-dzeyachau-kultury.html>.

⁶³ This list, maintained by the Ministry of Information, is available on the website of the State journal *Belarus Segodnya*. (www.sb.by/articles/respublikanskiy-spisok-ekstremistskikh-materialov-2020.html).

⁶⁴ See www.hfhr.pl/wp-content/uploads/2021/03/statement_Belarus_Crackdown-on-the-Legal-Profession_eng-1.pdf.

⁶⁵ In March 2021, the President demanded amendments to the legislative system, including the toughening of criminal legislation to provide for the tools necessary to “bring order to the legal profession” and respond to “destructive activities”.

⁶⁶ See <https://defenders.by/lawyers-persecution-2020>.

70. Lawyers Illia Salei and Maksim Znak joined the legal team of the presidential contender Viktor Babaryka⁶⁷ and provided legal services to his campaign manager, Maria Kalesnikava.⁶⁸ They also provided legal services to the presidential candidate Sviatlana Tsikhanouskaya and appealed the officially announced results of the 2020 presidential election to the Supreme Court on her behalf. On 9 September 2020, Salei and Znak were charged under criminal proceedings on politically motivated grounds and placed in pretrial detention. On 16 October 2020, the custody as a preventive measure of Salei was replaced with house arrest and, on 16 April 2021, the measure was changed to bail. Under the risk of unlawful prosecution, Salei managed to leave Belarus, while Znak remains in detention, serving a 10-year prison sentence. The Working Group on Arbitrary Detention found the imprisonment of Znak to be unlawful.⁶⁹

71. Other lawyers have recounted having their homes searched and receiving unsettling threats in connection with their work on defending protesters⁷⁰ and/or for publicly expressing critical comments on the human rights violations perpetrated by the State.⁷¹ They left the country fearing arbitrary arrest and detention.⁷²

72. These accounts fit with what Belarusian lawyers, as well as international organizations representing the profession, identify as a pattern of intimidation and harassment, reportedly taken against lawyers solely for activities carried out in the legitimate exercise of their responsibilities.

F. Students and academics

73. The post-2020 human rights crisis has particularly affected academics and students, who are faced with the repressive pattern of arrests and arbitrary detentions, prosecutions, expulsions from studies and wrongful dismissals. Many have been forced to leave the country following multiple incidents of persecution on politically motivated grounds. Dozens of professors have also been harassed, reprimanded or fired for having sided with their students, and many have fled the country as a result. Belarus experienced the worst decline in academic freedom in the world in 2020, according to the Academic Freedom Index.⁷³

74. On 27 October 2020, President Lukashenko publicly called for the expulsion of students and the termination of employment of professors who expressed dissenting views or expressed solidarity with their colleagues who had been dismissed for having supported the protest movement. Such warnings and threats can be seen as an attempt to discourage the exercise of the freedoms of expression and peaceful assembly through intimidation and the instilling of fear.

⁶⁷ On 6 July 2021, former presidential candidate Viktor Babaryka was sentenced to 14 years in prison. The other defendants in the case were sentenced to terms of imprisonment of between three and six and a half years, and one was sentenced to five years of “house arrest”. The sentences are not subject to appeal. All of the lawyers for Viktor Babaryka were disbarred, depriving him of the right to access counsel of his choice, due process and access to fair trial.

⁶⁸ Allegation letter AL BLR 9/2020. See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25674>.

⁶⁹ See [A/HRC/WGAD/2022/24](https://www.ohchr.org/en/hrbodies/hrc/interim-reports/wgad/2022/24).

⁷⁰ Including the lawyer for Uladzimir Matskevich, a philosopher, methodologist and public figure, who was detained on 4 August 2021 after a search of his apartment as part of a criminal investigation. He was convicted on 23 June 2022 and sentenced to five years for “creating an extremist formation” (Criminal Code, art. 361-1 (1), “organizing actions that grossly violate public order” (art. 342) and “insulting the President” (art. 368 (1)).

⁷¹ See <https://lawyersforlawyers.org/en/belarusian-lawyer-mikhail-kirilyuk-we-should-never-stop-resisting>.

⁷² See www.reuters.com/world/europe/belarus-tightens-grip-lawyers-2021-08-23.

⁷³ See www.gppi.net/media/KinzelbachEtAl_2021_Free_Universities_AFi-2020.pdf.

75. Reportedly, a new position of “vice-rector on security matters” has been introduced in the Belarusian State University, the Belarusian National Technical University and other universities across the country in order to monitor and prevent violations of the law by the staff and students of academic institutions, including acts of extremism and terrorism.⁷⁴ Concerns have been raised that this position can be misused to further repress and violate academic freedom. The candidates reportedly hired for these positions are directly affiliated with State security and special services.

G. Athletes

76. Many high-performance athletes have left Belarus and discontinued their engagement with the national teams due to being threatened with “disciplinary action” and arbitrary detention for expressing their public dissent against the human rights violations perpetrated by the State.⁷⁵ This includes the risk of State-sanctioned retaliation against some 800 athletes who signed a collective letter to the authorities and joined the “free association of athletes” initiative.⁷⁶

77. There is also a concerning trend of extraditions of Belarusian nationals, including the Belarusian world champion kickboxer Alyaksey Kudzin, for their engagement in the peaceful protests, for example, by joining the protests and making posts on social media. Several courts of the Russian Federation have ruled on such extraditions despite earlier stays of execution ordered by the European Court of Human Rights⁷⁷ and despite concerns raised by human rights groups about the risk of persecution on politically motivated grounds.⁷⁸

IV. Human rights protection needs

78. In all the accounts that the Special Rapporteur heard, people recalled the fear that they had experienced in Belarus in the months, days or hours prior to leaving it. While stressing their longing to return home and the temporary nature of their exile, most of those who provided testimonies remained anguished over the uncertainty regarding their return to Belarus. Many continued to work on issues connected to the country and saw themselves as active contributors to Belarusian society, albeit from afar.

A. Protection against refoulement

79. The principle of non-refoulement protects persons from being transferred to a State in which their fundamental rights are in danger when there are substantial grounds for believing that the person would be subjected to human rights violations. Protection against refoulement is multifaceted and includes allowing the stay of Belarusian nationals in a given country of destination and preventing their transfer to Belarus through return, expulsion or extradition procedures. The Belarusian authorities continued persecuting and harassing those who had already left the country, inter alia, by requesting the extradition of protesters and opposition supporters.

⁷⁴ See <https://neweasterneurope.eu/2021/06/11/attacks-on-academic-freedom-in-belarus-impossible-to-remain-silent>.

⁷⁵ See www.rferl.org/a/belarusian-protests-spill-off-the-streets-into-the-sports-arena/30876650.html.

⁷⁶ See www.pressball.by/pbonline/other/87900.

⁷⁷ These concern interim measures under rule 39 of the rules of court of the European Court of Human Rights.

⁷⁸ See https://memohrc.org/en/news_old/russian-authorities-violated-un-convention-refugees-extraditing-alyaksei-kudzin-citizen.

80. In May 2022, there were at least two reported cases of extradition of Belarusian nationals from the Russian Federation in connection with their participation in protests in 2020. The extraditions were executed in violation of the stay ordered by the European Court of Human Rights under rule 39 of the rules of court. On 26 May 2022, a district court in St. Petersburg, Russian Federation, rejected an appeal filed by Belarusian citizen Yana Pinchuk against the refusal to grant her political asylum, putting her at risk of extradition. Pinchuk is one of many Belarusians who have faced multiple charges in connection with their participation in the peaceful protests following the controversial 2020 presidential election.⁷⁹

81. The Special Rapporteur also notes the lengthy pretrial detention in extradition cases. For example, in January and February 2022, two Belarusian citizens whose extradition had been requested by Belarus were released after having spent one year in custody in the Russian Federation.⁸⁰

B. Promoting and protecting the human rights of Belarusian nationals compelled to leave their country

82. Belarusians in exile face additional challenges and may find themselves in vulnerable situations and thus in need of the protection of the international human rights framework. When asked about the difficulties encountered by Belarusians compelled to move away from their country, a prominent issue raised was accessing physical and mental health care. Accessing necessary and appropriate treatment is often complicated by factors such as a lack of information about their rights concerning health care, the cost of health insurance, difficulties in navigating the medical system, the language barrier and the cost of the care itself.

83. All interviewed sources recounted their experience of trauma due to human rights violations suffered in Belarus, severe emotional distress caused by the move and the need for psychosocial support and rehabilitation programmes at their destination, including for children. The need for specialized mental health support and training on coping strategies for Belarusian nationals that carry out volunteer work and for human rights defenders was stressed in particular.

84. As the possibility of safe return remains out of reach for many Belarusian nationals in exile, people are seeking long-term solutions adapted to their specific circumstances. While each individual's experience is unique, the Special Rapporteur noted that people compelled to move abroad were experiencing challenges with safeguarding adequate living conditions, including in temporary locations such as reception facilities, accessing decent work and opportunities to gain livelihoods depending on skills and qualifications, and accessing adequate and appropriate education, including early childhood education and adult vocational training.

85. The Special Rapporteur acknowledges that non-governmental organizations are supporting Belarusians in exile through various donor-sponsored programmes for emergency relocation, including temporary housing and rehabilitation. She is also aware of programmes aimed at supporting some of the core activities of organizations that mobilize funds for emergency relocation, as well as private initiatives of local volunteers and the diaspora.

86. However, as the duration of their stay in forced exile extends beyond the initial short term that they were hoping for and people see no safe options for return,

⁷⁹ See https://memohrc.org/en/news_old/belarusian-citizen-yana-pinchuk-threatened-extradition-her-home-country-political-prisoner.

⁸⁰ See https://memohrc.org/ru/news_old/beloruskogo-anarhista-andreya-kazimirova-osvobodili-iz-pod-strazhi-v-moskve.

Belarusian nationals forced to live abroad start to experience difficulties. These include challenges related to the legalization of their stay in the host country, including administrative challenges in obtaining a residence permit, a lack of information, lengthy processes and the rejection of requests to open a bank account for Belarusian nationals, especially following the outbreak of war in Ukraine.

87. Most people that had to flee Belarus do not have with them all the documents required for the legalization of their stay abroad because they had to flee at short notice and without the opportunity to pack essentials. Others have had their passports expire but avoid reporting to the Belarusian consulate abroad to renew their documents out of fear of persecution or for other reasons.⁸¹ A number of people reported that they had been denied consular services abroad and advised to return to Belarus to renew their identity documents and other civil status certificates.

88. Several people cited the fear of refoulement,⁸² noting in particular cooperation agreements between the security services of Belarus and those of other countries. For example, Amnesty International reported on the cooperation agreement between the State Security Committee of Belarus and State Security Service of Georgia, which came into force on 16 August 2021. That agreement provides for the exchange of information and data of any person deemed to pose a threat to “constitutional order, sovereignty and territorial integrity” and other terrorism-related crimes and allows for the deployment of State security agents on each other’s territory for indefinite periods of time.⁸³

89. In the context of the war in Ukraine, little information was available for the Belarusian nationals fleeing the conflict. The Special Rapporteur notes that a large number of Belarusian nationals could not avail themselves of temporary protection in the States members of the European Union as nationals of third countries displaced from Ukraine because they lacked a valid permanent residence permit, refugee status or equivalent protection granted to them in Ukraine, as required by Council of the European Union Implementing Decision 2022/382.

90. Since 2020, the period of visa-free stay for Belarusians in Ukraine has been extended to 180 days. Temporary residence in Ukraine is provided on the basis of several grounds, such as study, employment or marriage. A simplified registration procedure was made available to highly qualified specialists only, such as Belarusian nationals working in the information technology sector. While, de jure, Belarusian nationals could have applied for refugee status, only a few have availed themselves of this protection mechanism. In the light of these circumstances, many Belarusians have not legalized their status in Ukraine.

V. Conclusions and recommendations

91. The Special Rapporteur notes the complex combination of reasons that force Belarusian nationals to leave their country, including systematic violations of the human rights of persons expressing or holding dissenting views, as well as the overall atmosphere of fear, intimidation and impunity that dominates Belarusian society.

92. The Belarusian authorities have deliberately created a hostile environment in which targeted individuals and professional groups cannot reasonably be

⁸¹ See A/73/178/Rev.1, para. 22.

⁸² See Office of the United Nations High Commissioner for Human Rights, “The principle of non-refoulement under international human rights law”, available at www.ohchr.org/sites/default/files/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf.

⁸³ See www.amnesty.org/en/documents/eur56/4637/2021/en

expected to remain in the country. A combination of laws, policies and practices is used as a powerful tool to compel people to leave. As impunity persists and the human rights situation continues to deteriorate, Belarusians in exile have limited prospects for safe return. The lack of an independent judiciary aggravates the situation and impedes progress.

93. The Special Rapporteur calls upon the Government to demonstrate political will and leadership in ensuring meaningful progress in the implementation of the recommendations stemming from international and regional human rights mechanisms, including those made previously by the mandate holder, many of which remain valid. She also extends her support for the recommendation of the United Nations High Commissioner for Human Rights in her reports as per Human Rights Council resolutions [45/1](#) and [46/20](#), and calls upon the Government to fully abide by its human rights obligations.

94. The Special Rapporteur makes the following recommendations to the Government of Belarus:

(a) Review the policies and practices employed by the Government that compel Belarusian nationals to leave their country, including by putting an end to the authorities' strategy aimed at criminalizing political dissent in Belarus and/or eradicating alternative views by harassment, threats or other intimidation, and create conditions for a pluralism of views in all public spheres, including in the political realm;

(b) Conduct a comprehensive review of national legislation with the aim of harmonizing it with international human rights standards, including by removing the overly restrictive articles and clauses – including those that may be subject to abuse, such as the extended application of the death penalty – that tighten control or otherwise hinder the exercise of human rights, including those pertaining to freedom of assembly, association, expression and other rights and freedoms vital for the democratic civic space;

(c) Put an immediate end to the policy of eradication of civil society, including the practice of raids on the premises of civil society organizations and searches in the private dwellings of civic activists and human rights defenders, and restore the civil society organizations that were dissolved following politically motivated pretexts and/or spurious charges;

(d) Open the information space in Belarus, put an immediate end to the policy of liquidation of independent media outlets and stop the practice of blocking the dissemination of their information, including through the Internet and social networks;

(e) Stop the practice of threats to economic, social and cultural rights, including discrimination and arbitrary dismissal from employment and studies, and ensure the free functioning of trade unions, cultural and minority organizations, and academic freedoms;

(f) Free, immediately and unconditionally, all those sentenced to prison terms for exercising their legitimate civil and political rights, drop the politically motivated charges against them and ensure their full rehabilitation;

(g) Put an end to the pressure and intimidation against lawyers, in particular those engaged in defending members of the political opposition, human rights defenders, civic activists and independent media workers, and ensure the rule of law and due judicial processes in course;

(h) Conduct a comprehensive review of the terms of reference, operational modalities and working methods of the State institutions and agencies involved in

systematic harassment and human rights violations, in particular the State Control Committee, the Investigative Committee, the Main Directorate for Combating Organized Crime and Corruption and the Committee of State Security;

(i) Bring to justice those State officials who were involved in human rights violations, such as torture and ill-treatment, thus eliminating widespread impunity for the perpetrators of human rights violations, which contributed to the atmosphere of fear, the main factor compelling Belarusians into mass exile;

(j) Discontinue the policies and practices related to persecution and harassment of Belarusian nationals who left the country, including by discontinuing requests for the extradition of supporters of the political opposition, civic activists, human rights defenders, media workers, lawyers and other categories of people who have not been engaged in any criminal activity;

(k) Put in place meaningful conditions for the safe and sustainable return of Belarusian nationals, as well as their full reintegration into Belarusian society, by eliminating the risk that they might be subjected to further human rights violations, providing adequate protection for their enjoyment of human rights and ensuring the availability of remedies for their rehabilitation.

95. The Special Rapporteur further recommends that other States, the international community and international organizations:

(a) Promote safe and accessible pathways for Belarusians compelled to leave their country and ensure the availability of humanitarian pathways to entry;

(b) Uphold the human rights of Belarusian nationals who were compelled to leave their country, including by promoting their inclusion in receiving societies and ensuring their rights to work, health care, education and other socioeconomic and cultural rights without discrimination and, in this regard, develop partnerships and mobilize funds to give effect to these rights;

(c) Promote an enabling environment and conditions for Belarusians in exile to continue meaningfully participating in public life in Belarus and, in this context, consider adopting programmes aimed at supporting the usual legitimate activities of civil society organizations and media groups;

(d) Consider the unique and individual circumstances of each person, as well as the needs of Belarusian nationals in vulnerable situations, such as age, gender identity, disability and health status, and ensure gender-responsive human rights-based approaches, bearing in mind that women and girls more often find themselves in particularly vulnerable situations;

(e) Ensure that the principle of non-refoulement is strictly observed and exercise due diligence to avoid placing individuals at risk, in line with obligations under international human rights law;

(f) Establish effective mechanisms to provide legal status to Belarusian nationals who are unable to return, including those who cannot be removed on international human rights grounds;

(g) Pay special attention and provide support to Belarusian nationals who were in exile in Ukraine and were compelled to leave again due to the war in Ukraine.