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**Promotion and protection of human rights: human rights
situations and reports of special rapporteurs
and representatives**

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 [53/19](#).

* [A/79/150](#).



Summary

In the present report, the Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin, examines how Belarus engages with United Nations human rights related bodies and mechanisms. She evidences that the level of engagement, which has never been satisfactory, has significantly deteriorated over the years following the human rights crisis unfolding in the context of the 2020 presidential elections. Overlooking procedural and substantial aspects, the Special Rapporteur concludes in her report that Belarus has failed to engage with relevant international bodies and mechanisms effectively and non-selectively in relation to the human rights situation in the country. She highlights a chronic lack of engagement on certain issues and makes recommendations to the Government of Belarus and other stakeholders for improving this state of affairs.

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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 Human Rights Council resolution [20/13](#) and has since then been extended on a yearly basis.

2. In the present report, submitted to the General Assembly pursuant to Human Rights Council resolution [53/19](#), the Special Rapporteur examines the engagement of Belarus with various United Nations bodies and mechanisms on human rights. While acknowledging some advances, she identifies major long-standing procedural and substantive issues, which have not been addressed despite numerous recommendations from various bodies and mechanisms. She reveals how the Government of Belarus has oftentimes failed to engage effectively with relevant stakeholders to advance the human rights situation in the country, highlighting that the level of engagement has decreased in recent years, alongside the overall worsening of the human rights situation in Belarus.

B. Methodology

3. The report is based on an analysis of Belarusian legislation, public documents emanating from United Nations human rights bodies and mechanisms, the International Labour Organization (ILO) and the Economic Commission for Europe (ECE), as well as confidential contributions from human rights defence organizations and individual testimonies in response to a call for input published in April 2024.

4. Assessing the engagement of Belarus with the whole United Nations family goes beyond the scope of the present report, which is not aimed at providing a comprehensive overview of the engagement of Belarus with all existing international institutions and mechanisms on human rights-related issues. In the first part of the report, the Special Rapporteur examines the level of engagement of Belarus with international bodies and mechanisms from the procedural point of view, while in the second part she looks at how Belarus has fallen short in acting on repeated recommendations relating to several systemic human rights issues.

II. Engagement of Belarus with international bodies: procedural aspects

5. Belarus has repeatedly declared a willingness to cooperate with the United Nations with regard to the human rights situation in the country.¹ However, the cooperation has always been selective and, on many issues, lacked genuine commitment and engagement.

6. Following the political crisis in the context and aftermath of the 2020 presidential elections, Belarus has increasingly adopted an outwardly confrontational stance towards international scrutiny, while not discontinuing the massive human rights violations that prompted the Human Rights Council's sustained attention. Since 2021, Belarus has withdrawn from several treaties, and its responses to United Nations bodies and mechanisms have become more selective and have increasingly included protests against what Belarus perceives as signs of double standards and politicization.

¹ [A/HRC/15/16](#), paras. 97.9–97.19 (2010); [A/HRC/30/3](#), paras. 127.27–127.34 (2015).

A. United Nations human rights system

1. General information

7. Belarus is party to seven out of the nine core United Nations human rights treaties.² Six were accepted by the Byelorussian Soviet Socialist Republic before it became independent in 1991, while the Convention on the Rights of Persons with Disabilities was ratified by the Republic of Belarus in 2016. In addition, from 2002 to 2006, Belarus became party to two Optional Protocols to the Convention on the Rights of the Child and accepted the individual complaints procedure of the Committee on the Elimination of Discrimination against Women. In 2023, Belarus stopped being a party to the first Optional Protocol to the International Covenant on Civil and Political Rights, depriving Belarusian citizens of the opportunity to submit complaints to the Human Rights Committee.

8. Belarus has never served as a member of the Human Rights Council or of the Council's predecessor, the Commission on Human Rights.

9. Belarus hosts a United Nations country team, which includes seven agencies.³ On 21 June 2021, it suspended the work of the OHCHR Senior Human Rights Adviser, based in Minsk since July 2018.

2. Human Rights Council – universal periodic review

10. Belarus has gone through three cycles of the universal periodic review, in 2010, 2015 and 2020. It has described the universal periodic review as the “essential tool for international cooperation in the field of human rights” where all countries are “considered on the basis of universality and equality”.⁴

11. Although Belarus supports about half of the recommendations issued under the universal periodic review,⁵ many of those remain insufficiently implemented or unimplemented. According to human rights organizations, at the end of its second universal periodic review cycle (2015–2020), Belarus had implemented 12 recommendations, partially implemented 110 recommendations and was still implementing 2 recommendations – out of 259 recommendations received in 2015. As for the ongoing third universal periodic review cycle (2020–2025), according to information shared by non-governmental organizations (NGOs), in May 2024, Belarus had implemented only 2 recommendations and partially implemented 26, out of the 266 recommendations received in 2020. Reportedly, the recommendations implemented fully or partially relate to the rights of migrants, the eradication of poverty, education, persons with disabilities, women's rights, the introduction of electronic legal proceedings and cooperation with special procedures.

12. An alarming development between the second and third cycles of the universal periodic review is a stark increase in recommendations marked by Belarus as “already implemented” as opposed to recommendations accepted for implementation (13 to 139 under the second cycle in 2015, and 127 to 10 under the third cycle in 2020).

13. Recommendations on certain topics are systematically denied, such as on the cessation of politically motivated persecutions, on the release of political prisoners

² It is not party to the International Convention for the Protection of All Persons from Enforced Disappearance or to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

³ <https://belarus.un.org/en/about/about-the-un>.

⁴ A/HRC/46/5, para. 5.

⁵ 152 out of 259 accepted under the second universal periodic review cycle; 137 out of 266 accepted under the third cycle. See <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session36/BY/infographic-BELARUS.pdf>.

and on the rights of members of the lesbian, gay, bisexual, transgender and intersex community.

14. The Special Rapporteur has also received allegations from civil society that information submitted by Belarus under the universal periodic review is not always accurate. One example shared is the declaration by the State, in 2020, that it had “initiated discussions on amending its Constitution with the participation of all interested citizens”.⁶ Reportedly, only pro-government organizations had been able to take part in these discussions.

3. Human Rights Council – country mandates

15. Following the first election of Aleksandr Lukashenko as President, worrying developments in the sphere of human rights began to attract the attention of the United Nations, notably, contested constitutional referendums in 1995 and 1996. Responding to reports of human rights violations, including enforced disappearances, summary executions, arbitrary detentions, harassment, the closure of independent media and NGOs and restrictions on religious activities, in 2004 the Commission on Human Rights established the mandate of the Special Rapporteur on the situation of human rights in Belarus,⁷ with whom Belarus refused to cooperate.⁸ In accordance with General Assembly resolution 60/251, as the Council succeeded the Commission in 2006, it extended all special procedures of the former Commission for a year.⁹

16. On 19 December 2006, the General Assembly adopted resolution 61/175, expressing deep concerns about the failure of the Government of Belarus to cooperate fully with mechanisms of the Human Rights Council, and about continuing reports of human rights violations in the country. It insisted that Belarus cooperate fully with all mechanisms of the Human Rights Council, in particular with the Special Rapporteur. Notwithstanding this resolution, the Council chose not to extend the mandate of the Special Rapporteur.

17. Concerned about the severe deterioration in the human rights situation following the presidential election of 19 December 2010, in 2011, the Council requested the United Nations High Commissioner for Human Rights to prepare a report.¹⁰ The High Commissioner, Navi Pillay, was unable to enter Belarus because the Government only agreed to allow her access on a visit delinked from her reporting mandate. In 2012, she concluded¹¹ on the existence of a pattern of serious human rights violations and on systemic deficiencies in the area of civil and political rights. Although Belarus partly implemented the report’s recommendations by releasing 24 prisoners, it largely ignored other recommendations and proceeded with new arbitrary arrests and sentencing.¹²

18. Responding to the findings of the High Commissioner and deploring the denial of access to Belarus of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and several thematic special procedures, in 2012 the Council re-instituted the mandate of Special Rapporteur to monitor the situation of human rights in Belarus and to make recommendations for its improvement; to assist

⁶ A/HRC/46/5, para. 9.

⁷ Commission on Human Rights, resolutions 2004/14 and 2005/13.

⁸ E/CN.4/2005/35, para. 5; E/CN.4/2006/36.

⁹ Human Rights Council decision 1/102 of 30 June 2006.

¹⁰ Human Rights Council resolution 17/24.

¹¹ A/HRC/20/8.

¹² www.ohchr.org/en/press-releases/2012/06/human-rights-council-discusses-situation-human-rights-belarus?LangID=E&NewsID=12298.

the Government in fulfilling its human rights obligations; and to offer support and advice to civil society.¹³

19. Regrettably, the Belarusian authorities have persistently refused to recognize this mandate. The Special Rapporteur was only once allowed to enter Belarus, in 2017, on condition of the visit not being carried out in the mandate holder's official capacity.¹⁴ Belarus has never taken advantage of the opportunities given to it to contribute observations to reports of the Special Rapporteur. Since 2021, the Belarusian delegation has ceased to attend the Special Rapporteur's interactive dialogues in the Human Rights Council and the General Assembly.

20. Reacting to reported massive violations of human rights in the context of the 2020 presidential elections, the Council mandated¹⁵ the High Commissioner to examine the situation. The authorities did not allow the investigators to enter the country. Some human rights defenders and civil society organizations which shared information with the investigators reportedly faced reprisals from the Belarusian authorities.¹⁶ OHCHR¹⁷ concluded that crimes against humanity may have been committed in Belarus in the context and in the aftermath of the 2020 elections.¹⁸

21. In 2024, the Council established a Group of Independent Experts on the Human Rights Situation in Belarus, to continue the investigation of alleged human rights violations committed in Belarus since 1 May 2020 and to make recommendations on accountability measures.¹⁹ On 21 June 2024, the President of the Council appointed Susan Bazilli (Canada), Karinna Moskalkenko (Russian Federation) and Monika Płatek (Poland) to serve as the members of the Group. The same experts had supported OHCHR in the implementation of its 2022–2023 examination mandate.

22. Belarus adheres to a policy of blanket non-engagement with country mandates, notwithstanding their particularities, stating that it is not bound by the Council's "politicized, country-specific resolutions" and country-specific mandates created by regional organizations.²⁰ In the opinion of the Special Rapporteur, this position goes against General Assembly resolution 60/251, according to which the Council "should address situations of violations of human rights", "respond promptly to human rights emergencies" and has to maintain the system of special procedures of the Commission on Human Rights.²¹

23. By demonstrating opposition to country-specific special procedures, Belarus is overlooking the purpose of the Council as a platform for cooperation and genuine dialogue aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings²² and misses out on the opportunity to contribute its own perspective to the analysis performed by country mandates.

¹³ Human Rights Council resolution 20/13, para. 3. The resolution was penned and tabled by the European Union.

¹⁴ www.ohchr.org/en/press-releases/2017/07/back-unofficial-visit-belarus-un-special-rapporteur-hopeful-dialogue-human.

¹⁵ Human Rights Council resolutions 45/1, 46/20, 49/26 and 52/29.

¹⁶ A/HRC/48/28, paras. 40 and 41 and annex I, para. 1; communication BLR 4/2021, available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

¹⁷ See www.ohchr.org/en/hr-bodies/hrc/ohchr-belarus/index.

¹⁸ A/HRC/52/68 and A/HRC/52/68/Corr.1, para. 54; A/HRC/55/61, paras. 51 and 52.

¹⁹ Human Rights Council resolution 55/27.

²⁰ A/HRC/46/5/Add.1, para. 45.

²¹ General Assembly resolution 60/251, paras. 3, 5 (f) and 6.

²² General Assembly resolution 60/251, preambular para. 10.

4. Human Rights Council – thematic special procedures mandates

24. Belarus declares a willingness to cooperate with thematic special procedures of the Human Rights Council, “within their mandates”, but does so in a selective manner, “on the basis of [its] national interests and priorities”.²³ In its 2020 national report to the universal periodic review, the Government stated that it had extended a standing invitation to nine thematic mandates.²⁴ Nonetheless, it has not responded positively to requests for visits from several other mandates.²⁵

25. Belarus has received official visits from five special procedures of the Commission and of the Council: the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in 1997;²⁶ the Special Rapporteur on the independence of judges and lawyers in 2000;²⁷ the Working Group on Arbitrary Detention in 2004;²⁸ the Special Rapporteur on trafficking in persons, especially women and children in 2009;²⁹ and the Special Rapporteur on the human rights of migrants in 2022 (to assess the situation of migrants at the border with Poland).³⁰ According to their mission reports, Belarusian authorities demonstrated a good level of cooperation, albeit not granting the Working Group’s request for access to a detention facility controlled by the State Security Committee (KGB). Belarus has selectively approached the recommendations resulting from these visits, acting on some of them,³¹ while disregarding others (see part II).

26. Belarus is extremely selective in responding to communications sent by special procedures. Out of 13 communications sent in 2023, only 2 received a response. Until 2022, however, Belarus used to respond to most communications. Of particular concern is the lack of response to urgent appeals related to alleged grave human rights violations, including ill-treatment in detention and possible enforced disappearances.³² When responses are provided, they tend to overlook many questions and contain little or no indication as to investigations initiated based on the allegations transmitted by special procedures. Regrettably, the Belarusian authorities have stated that they reserved “the right not to provide a substantive reply” to what they consider as “politically motivated enquiries” by special procedures,³³ they have even threatened thematic special procedures that coordination with the Special Rapporteur on Belarus would “discredit their work”,³⁴ notwithstanding the fact that the Manual of Operations of the Special Procedures of the Human Rights Council requires consultations of thematic mandates with relevant country rapporteurs.³⁵ Neither is

²³ A/HRC/46/5/Add.1, 138.33, 138.35, 138.36 and para. 46.

²⁴ A/HRC/WG.6/36/BLR/1, para. 22.

²⁵ For example, the request of the Working Group on Enforced or Involuntary Disappearances for an invitation to visit the country issued in 2011 remains unanswered despite regular reminders (A/HRC/54/22, para. 67).

²⁶ E/CN.4/1998/40/Add.1.

²⁷ E/CN.4/2001/65/Add.1.

²⁸ E/CN.4/2005/6/Add.3.

²⁹ A/HRC/14/32/Add.2.

³⁰ A/HRC/53/26/Add.2.

³¹ The recommendations of the Special Rapporteur on trafficking in persons, especially women and children, laid the groundwork for the Action against Trafficking in Persons Act of 7 January 2012 (A/HRC/WG.6/22/BLR/1, para. 25).

³² See, for example, communications BLR 12/2013 and BLR 13/2023, available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

³³ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35597>.

³⁴ See the State’s response to communication BLR 7/2020, available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

³⁵ Manual of Operations of the Special Procedures of the Human Rights Council, para. 32.

Belarus acting on the findings of the Working Group on Arbitrary Detention under its opinion procedure, accused by the State of political motivations.³⁶

27. On several occasions, the Special Rapporteur and other special procedures have refrained from bringing up cases of alleged human rights violations in Belarus out of concern for the safety or fears of persons requested to sign informed consent forms.

5. Treaty bodies

28. Belarus has accepted periodic reviews by seven treaty bodies: the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee against Torture, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities. Although it is currently up to date with its reporting to treaty bodies, this has not always been the case³⁷ and many of their recommendations remain unimplemented. Belarus accepts the competence of the Committee against Torture and the Committee on the Elimination of Discrimination against Women to conduct confidential inquiries.

29. On 8 February 2023, Belarus stopped being a party to the first Optional Protocol to the International Covenant on Civil and Political Rights, which allows the Human Rights Committee to consider individual communications. The decision to withdraw was taken without the provision of any explanation or consultation with civil society.³⁸ Since the accession of Belarus to the Protocol on 30 September 1992, the Human Rights Committee had considered hundreds of complaints against Belarus and, reportedly, recognized State violations of the Covenant more than 100 times. Today, the only remaining treaty body competent to examine individual complaints against Belarus is the Committee on the Elimination of Discrimination against Women.

30. Belarus has consistently refused to cooperate with the Human Rights Committee in good faith. It failed to comply with the Committee's requests for interim measures and to implement its views on individual communications, thereby violating its obligations under the Optional Protocol and under article 2 (3) of the International Covenant on Civil and Political Rights.³⁹ Human rights defenders report that, from 2014 to 2016, in at least 36 cases, Belarus did not submit its observations on individual communications. In some cases, Belarus challenged the Committee's right to register communications and ceased correspondence thereon, violating article 1 of the Optional Protocol.⁴⁰ According to information from civil society, none of the Committee's views on individual communications against Belarus has been implemented. Furthermore, Belarus has reportedly ceased cooperation with the Committee on communications registered after 8 February 2023, the date on which its denunciation of the Optional Protocol became effective, even though these complaints were submitted while Belarus was still bound by the Optional Protocol.

31. By the end of June 2024, the Committee on the Elimination of Discrimination against Women had issued views on three individual communications against Belarus and had one pending communication.⁴¹ This low number may be explained by the difficulties victims face in fulfilling the requirement of exhausting domestic remedies.

³⁶ A/HRC/54/51, p. 10 (24/2022); A/HRC/51/29, para. 23, p. 9 (23/2021) and p. 13 (50/2021).

³⁷ The fifth periodic report to the Human Rights Committee, due in 2001, was submitted in 2017.

³⁸ <https://www.ohchr.org/en/press-releases/2022/11/belarus-withdrawal-individual-complaints-procedure-serious-setback-human>.

³⁹ CCPR/C/BLR/CO/5, para. 7; CCPR/C/137/2/Add.1, para. 12; *ibid.*, paras. 7–12.

⁴⁰ CCPR/C/128/D/2391/2014, paras. 6.1 and 6.2; CCPR/C/138/D/2579/2015-3234-2018, para. 6.2.

⁴¹ See www.ohchr.org/en/treaty-bodies/cedaw/individual-communications.

32. Since 2020, frequent recourse to court proceedings behind closed doors and in absentia, the systematic imposition of non-disclosure agreements on defence lawyers and widespread reported State interference in communication between lawyers and their clients have made it extremely challenging for victims of human rights violations to exhaust domestic remedies, or to obtain proof thereof. The Human Rights Committee has found that non-disclosure agreements imposed on lawyers can entail a violation of the International Covenant on Civil and Political Rights.⁴² Exhausting domestic remedies is reportedly impossible for Belarusians compelled to relocate abroad. When trials in absentia are held, the accused are reportedly not allowed to participate remotely, to choose their defence counsel and to access the materials of the case. Defence is assumed by State-appointed attorneys who, allegedly, do not establish any contact with the accused.

33. Such State-generated hurdles to the effective use of international human rights quasi-judicial mechanisms run contrary to article 9 (4) of the Declaration on Human Rights Defenders of 8 March 1999, which proclaims the right of everyone to unhindered access to and communication with international bodies competent to receive and consider communications on matters of human rights.⁴³

B. International Labour Organization

34. In 2004, responding to a complaint from Belarusian workers, the ILO Governing Body established a Commission of Inquiry, which concluded that Belarus violated the rights of workers under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

35. In 2022, all independent trade unions in Belarus were dismantled, and their federation, the Belarusian Congress of Democratic Trade Unions (BKDP), liquidated.⁴⁴ Together with other trade unionists, the BKDP Chair and member of the ILO Governing Body was arbitrarily arrested and reportedly faced criminal prosecution, inter alia in retaliation for his submission of information to ILO.⁴⁵

36. On 12 June 2023, the General Conference of ILO adopted a resolution⁴⁶ under article 33 of its Constitution, to address the failure of Belarus to implement recommendations made by the Commission of Inquiry. This was the second time in the history of ILO that such a procedure had been activated. In the resolution, ILO urged Belarus to receive an ILO tripartite mission, including a visit to the independent trade union leaders and activists in detention. It also invited the ILO Director-General to engage with the Special Rapporteur and three other special procedures.⁴⁷ Referring to the lack of independence of the Federation of Trade Unions of Belarus, in her 2024 report to the Council the Special Rapporteur recommended suspending the Federation's participation in the ILO Conference.⁴⁸

⁴² CCPR/C/139/D/3788/2020, paras. 9.7 and 9.8.

⁴³ General Assembly resolution 53/144, art. 9, para. 4.

⁴⁴ A/HRC/53/53, paras. 78–85; A/HRC/56/65, para. 109.

⁴⁵ A/HRC/54/61, para. 50.

⁴⁶ https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_886022.pdf.

⁴⁷ Special Rapporteurs on freedom of opinion and expression; on freedom of peaceful assembly and association; and on the independence of judges and lawyers.

⁴⁸ A/HRC/56/65, para. 131.

37. By a letter of 14 July 2023⁴⁹ the ILO Director-General encouraged the Government of Belarus to accept an ILO tripartite mission. In its report of March 2024, the ILO Committee on Freedom of Association regretted the Government's indication that "any political or practical feasibility of organizing a mission visit to the country ... is currently not envisaged".⁵⁰ The Committee deplored "the total lack of progress" in implementing the recommendations of its bodies and denounced "wilful non-compliance by the Government with its obligations stemming from its membership in the Organization", pointing to the fact that Belarus responded with delays and did not provide responses beyond the information already examined by ILO.⁵¹

C. Economic Commission for Europe

38. On 24 October 2022, Belarus withdrew from the ECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), which articulates the procedural dimensions of the right to a clean, healthy and sustainable environment. Together with other special procedures, the Special Rapporteur regretted this decision.⁵²

39. The withdrawal was a reaction to actions taken by the Convention's Compliance Committee and by the Meeting of Parties to the Convention after Belarus dissolved, in October 2021, and later declared as extremist, the environmental NGO Ecohome, which had actively engaged with the Committee. The latter found that the liquidation of the NGO amounted to a flagrant case of penalization, persecution or harassment for exercising rights under the Convention, in violation of its article 3 (8).⁵³ The Meeting of Parties to the Convention voted to suspend the special rights and privileges granted to Belarus under the Convention, unless it revoked the liquidation of Ecohome.⁵⁴ This was the first such vote in the history of the Convention. Belarus denounced a "planned action of demonization of Belarus in international organizations by Western States" and set an ultimatum, saying it would remain a party to the Convention provided that the decision on suspension was revoked.⁵⁵

III. Engagement of Belarus with international bodies: substantive aspects

A. National human rights plans

40. In 2016, Belarus presented its first national human rights plan, for 2016–2019, to implement recommendations from the universal periodic review and treaty bodies.⁵⁶ While the initiative was laudable, the plan did not take into account recommendations from special procedures or those related to civil and political rights emanating from other human rights mechanisms. The plan was developed without

⁴⁹ See https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_899633.pdf.

⁵⁰ ILO, 406th report of the Committee on Freedom of Association (GB.350/INS/16/2), para. 50.

⁵¹ *Ibid.*, para. 60.

⁵² www.ohchr.org/en/press-releases/2022/08/belarus-un-experts-denounce-withdrawal-aarhus-convention.

⁵³ ECE/MP.PP/2021/61, para. 61.

⁵⁴ ECE/MP.PP/2021/2/Add.1, decision VII/8c: Compliance by Belarus with its obligations under the Convention, para. 7 (a) and (b).

⁵⁵ https://unece.org/sites/default/files/2023-09/frPartyVII.8c_26.11.2021_letter_rus.pdf (in Russian).

⁵⁶ https://mfa.gov.by/kcfinder/upload/files/GUMDI/20.04.15_action_plan.pdf (in Russian).

involving civil society⁵⁷ and did not set any indicators which would allow progress to be measured.⁵⁸

41. Under its third universal periodic review cycle in 2020, Belarus accepted as implemented the recommendation to “adopt a new national action plan for the promotion and protection of human rights in collaboration with relevant stakeholders, including civil society”.⁵⁹ However, no new human rights plan has been presented. Action plans on specific issues – gender equality and the rights of children and of persons with disabilities – were adopted. However, regarding children’s rights, the action plan does not contain any indicators to assess implementation. Reportedly, information on implementation is not shared publicly and there is no separate budget for financing such activities.

B. National human rights institution

42. The establishment of a national human rights institution compliant with the principles relating to the status of national human rights institutions (the Paris Principles) is one of the most recurrent recommendations issued to Belarus, including by the Special Rapporteur,⁶⁰ treaty bodies⁶¹ and the United Nations High Commissioner for Human Rights.⁶²

43. Under the universal periodic review, Belarus has not supported recommendations to establish a national human rights institution⁶³ but accepted recommendations to “consider” its establishment and to “continue efforts” towards its establishment.⁶⁴ In 2010, Belarus announced that it would hold consultations with NGOs to launch this initiative but failed to inform all intended participants.⁶⁵ For two decades, the project stalled, drawing criticism about its slowness and the absence of any timeline.⁶⁶ Under its previous universal periodic review in 2020, Belarus declared that it was continuing consideration of the establishment of a national human rights institution.⁶⁷ More recently, before the Committee on the Elimination of Discrimination against Women, Belarus justified the lack of progress by the fact that the “human rights dialogue (...) supposed to provide expert and advisory assistance”

⁵⁷ [A/HRC/35/40](#), paras. 28–31; [A/HRC/38/51](#), paras. 27 and 59.

⁵⁸ [A/HRC/41/52](#), para. 18.

⁵⁹ [A/HRC/46/5/Add.1](#), para. 1 (138.55) (2020).

⁶⁰ [A/HRC/23/52](#), para. 119 (d) (2013); [A/HRC/26/44](#), para. 139 (e) (2014); [A/69/307](#), para. 93 (o) (2014); [A/HRC/29/43](#), para. 131 (b) (2015); [A/72/493](#), para. 103 (h) (2017); [A/73/380](#), para. 123 (k) (2018); [A/HRC/44/55](#), para. 88 (a) (2020); [A/HRC/47/49](#), para. 101 (a) (i) (2021); [A/76/145](#), para. 110 (f) (2021).

⁶¹ [CRC/C/15/Add.180](#), paras. 16 and 17 (2002); [CERD/C/65/CO/2](#), para. 13 (2004); [CRC/C/BLR/CO/3-4](#), paras. 7, 14 and 15 (2011); [CERD/C/BLR/CO/18-19](#), para. 15 (2013); [E/C.12/BLR/CO/4-6](#), para. 7 (2013); [CEDAW/C/BLR/CO/8](#), paras. 14 and 15 (2016); [CERD/C/BLR/CO/20-23](#), paras. 12 and 13 (2017); [CCPR/C/BLR/CO/5](#), para. 14 (2018); [CAT/C/BLR/CO/5](#), para. 49 (2018); [CRC/C/BLR/CO/5-6](#), para. 10 (2020); [E/C.12/BLR/CO/7](#), paras. 7 and 8 (2022).

⁶² [A/HRC/20/8](#), para. 75 (l) (2012).

⁶³ [A/HRC/30/3/Add.1](#), paras. 129.10–129.19 (2015); [A/HRC/46/5/Add.1](#), 138.51, 138.53, 138.54 (2020).

⁶⁴ [A/HRC/15/16](#), para. 97.4 (2010); [A/HRC/30/3](#), 127.16–127.18, 127.20–127.22 (2015); [A/HRC/30/3/Add.1](#), 129.20 (2015); [A/HRC/46/5/Add.1](#), para. 1 (138.50, 138.52) (2020).

⁶⁵ [A/HRC/23/52](#), para. 23.

⁶⁶ [CAT/C/BLR/CO/4](#), para. 15 (2011); [CAT/C/BLR/CO/5](#), para. 48 (2018); Committee on the Elimination of Racial Discrimination, follow-up letter of 28 August 2015; [CRC/C/BLR/CO/5-6](#), para. 10 (2020); Committee on Economic, Social and Cultural Rights, [E/C.12/BLR/CO/7](#), paras. 7 and 8 (2022).

⁶⁷ [A/HRC/46/5/Add.1](#), para. 47 (2020).

on the establishment of a national human rights institution had been “suspended on the initiative of the West”.⁶⁸

C. Separation of powers and administration of justice

44. In 1996, two years after Mr. Lukashenko was first elected as President, a constitutional referendum, not recognized as binding by the Constitutional Court and widely denounced as flawed,⁶⁹ upset the separation of powers. In vesting the President with control over the appointment and dismissal of judges, as well as legislative powers, it favoured the executive, a disbalance further exacerbated by subsequent constitutional amendments. In April 2024, the acting President obtained extra leverage over the judicial and legislative branches by becoming the Chair of the Belarusian People’s Assembly, a new chamber of Parliament established in 2022 by yet another constitutional referendum.⁷⁰

45. United Nations human rights experts and bodies began to express concerns about the risk of human rights violations as early as 1996. The concentration of power in the hands of the executive⁷¹ and procedures relating to the tenure, disciplining and dismissal of judges were incompatible, they warned, with the principle of independence and impartiality of the judiciary.⁷² Simultaneously, legislative and administrative initiatives were denounced which undermined the independence of the bar.⁷³ Issues raised by the lack of independence of the judiciary and legal profession were highlighted in the mission reports to Belarus of the Special Rapporteur on the independence of judges and lawyers (2000)⁷⁴ and of the Working Group on Arbitrary Detention (2004).⁷⁵ The Human Rights Committee concluded that there had been a violation of articles 14 and 25 of the International Covenant on Civil and Political Rights in relation to the dismissal, in 1997, of a Constitutional Court judge.⁷⁶

46. Over the past 20 years, the dependence of the judiciary and the bar on the executive, and various forms of harassment of judges and lawyers, have become a recurring subject of concern.⁷⁷ The mandate holders⁷⁸ and their predecessors under the Commission on Human Rights⁷⁹ have addressed these issues on a yearly basis. Peaks of harassment of lawyers, including disbarments, arbitrary arrests and criminal

⁶⁸ CEDAW/C/BLR/9, para. 94.

⁶⁹ E/CN.4/2001/65/Add.1, paras. 18–24.

⁷⁰ A/HRC/50/58, paras. 62 and 63.

⁷¹ E/C.12/1/Add.7/Rev.1, para. 12 (1996); CCPR/C/79/Add.86, para. 7 (1997); A/72/493.

⁷² CCPR/C/79/Add.86, para. 13 (1997); E/CN.4/1998/40/Add.1, para. 76 (1997).

⁷³ CCPR/C/79/Add.86, para. 14 (1997).

⁷⁴ E/CN.4/2001/65/Add.1.

⁷⁵ E/CN.4/2005/6/Add.3, paras. 44–47.

⁷⁶ CCPR/C/78/D/814/1998.

⁷⁷ A/56/44, paras. 45 (d), (f), (g), 46 (d) (Committee against Torture, 2001); CERD/C/65/CO/2, para. 12 (2004); CAT/C/BLR/CO/4, para. 12 (2011); CERD/C/BLR/CO/18-19, para. 14 (2013); E/C.12/BLR/CO/4-6, para. 6 (Committee on Economic, Social and Cultural Rights, 2013); CERD/C/BLR/CO/20-23, paras. 21 and 22 (2017); CAT/C/BLR/CO/5, paras. 11, 44 and 45 (2018); CCPR/C/BLR/CO/5, paras. 39–42 (2018).

⁷⁸ A/HRC/23/52, paras. 61–67 and 119 (e) and (f) (2013); A/68/276, paras. 95–98 and 118 (f), (g) and (l) (2013); A/HRC/26/44, paras. 33–36, 139 (e) and (f) (2014); A/HRC/29/43, paras. 34–40 and 131 (c) (2015); A/HRC/32/48, para. 139 (g) (2016); A/HRC/38/51, paras. 83–88 and 114 (j) (2018); A/HRC/41/52, para. 95 (f) (2019); A/75/173, paras. 19–37 and 79 (a) (h) (2020); A/HRC/47/49, para. 101 (e) (2021); A/HRC/50/58, paras. 82–86 and 126 (f) (2022); A/77/195, paras. 68–72 and 94 (g) (2022); A/HRC/53/53, paras. 86–91 and 111 (i) (2023); A/HRC/56/65, paras. 114–116 (2024).

⁷⁹ E/CN.4/2005/35, paras. 29–33, 92 and 93 (2005).

convictions, were observed specifically in the context of elections,⁸⁰ and have become widespread since 2020.⁸¹

47. Violations of fair trial guarantees have been identified on numerous occasions in views on individual communications adopted by the Human Rights Committee, in opinions of the Working Group on Arbitrary Detention, and in reports and communications of special procedures.

48. Under the universal periodic review, Belarus has routinely “accepted” or “accepted as already implemented” broadly formulated recommendations on ensuring fair trial guarantees⁸² and reinforcing the independence of the judiciary.⁸³ However, it ignored the specific recommendation to devolve the appointment to and suspension and removal of judges to judges’ self-government bodies⁸⁴ Belarus also declined recommendations by the Committee against Torture to investigate the cases of disbarred lawyers.⁸⁵

D. Death penalty

49. In 1993, Belarus applied to join the Council of Europe, membership in which was conditioned by the abolition of the death penalty. Even though a referendum conducted in 1996 indicated that more than 80 per cent of Belarusians wished to retain capital punishment, in 2004 the Constitutional Court ruled that the Head of State or the Parliament could adopt a moratorium.⁸⁶

50. Recommendations related to the establishment of a moratorium on the death penalty have been issued under the universal periodic review, by the United Nations High Commissioner for Human Rights,⁸⁷ treaty bodies⁸⁸ and the Special Rapporteur.⁸⁹ In 2010, Belarus stated, however, that the abolition was premature⁹⁰ and did not support any of the recommendations related to a moratorium or abolition.⁹¹ Nonetheless, in its second universal periodic review cycle in 2015,⁹² Belarus agreed to carry out public campaigns on the abolition with the aim of ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights,⁹³ to revitalize discussions within the parliamentary working group on the death penalty,⁹⁴ and to consider establishing a moratorium⁹⁵ and abolishing the death penalty.⁹⁶ In 2016, Belarusian parliamentarians declared that they were working towards restoring

⁸⁰ See, on the 2010 elections, [A/HRC/17/30/Add.1](#), paras. 88–98.

⁸¹ [A/HRC/56/65](#), para. 115.

⁸² [A/HRC/15/16](#), para. 97.28 (2010); [A/HRC/15/16/Add.1](#), paras. 16–21 (98.8) and paras. 73–75 (98.26) (2010).

⁸³ [A/HRC/15/16/Add.1](#), paras. 70–72 (98.25) (2010); [A/HRC/30/3/Add.1](#), paras. 129.51, 129.53 (2015); [A/HRC/46/5/Add.1](#), para. 20 (138.186) (2020).

⁸⁴ [A/HRC/30/3/Add.1](#), para. 129.54 (2015).

⁸⁵ [CAT/C/BLR/CO/4/Add.1](#), para. 6.

⁸⁶ Opinion 6/398 of 12 March 2024.

⁸⁷ [A/HRC/20/8](#), para. 75 (m) (2012).

⁸⁸ [CAT/C/BLR/CO/5](#), para. 55 (2018); [CCPR/C/BLR/CO/5](#), paras. 27 and 28 (2018).

⁸⁹ [A/HRC/23/52](#), para. 119 (c) (2013); [A/HRC/26/44](#), para. 139 (d) (2014); [A/HRC/29/43](#), para. 131 (i) (2015); [A/72/493](#), para. 103 (g); [A/73/380](#), para. 123 (j) (2018); [A/HRC/44/55](#), para. 88 (d) (2020); [A/HRC/47/49](#), para. 101 (c) (2021); [A/HRC/50/58](#), para. 126 (k) (2022); [A/HRC/53/53](#), para. 111 (b) (2023).

⁹⁰ [A/HRC/15/16/Add.1](#), paras. 1 and 2 (98.1).

⁹¹ [A/HRC/15/16/Add.1](#), paras. 44–49 (98.16 and 98.17) (2010).

⁹² [A/HRC/30/3/Add.1](#) (129.31, 129.32, 129.34–129.36, 129.39–129.49) (2015).

⁹³ [A/HRC/30/3](#), para. 127.1 (2015).

⁹⁴ [A/HRC/30/3/Add.1](#) (129.29) (2015).

⁹⁵ [A/HRC/30/3/Add.1](#) (129.37, 129.38) (2015).

⁹⁶ [A/HRC/30/3/Add.1](#) (129.30, 129.33) (2015).

the special guest status of Belarus in the Parliamentary Assembly of the Council of Europe,⁹⁷ conditioned on the moratorium.⁹⁸ Under its previous universal periodic review cycle in 2020, Belarus again did not support recommendations to abolish the death penalty and introduce a moratorium⁹⁹ but accepted that it would consider ratifying the Second Optional Protocol.¹⁰⁰ It accepted as “already implemented” recommendations to implement the legislation and policies needed for the abolition,¹⁰¹ to consider a moratorium¹⁰² and abolishing the death penalty.¹⁰³ Belarus promised to “continue to engage in a national dialogue on a moratorium or abolition of the death penalty”.¹⁰⁴

51. Although the death penalty is not illegal under international law, the fact that Belarus has repeatedly, in 1997,¹⁰⁵ 2022 and 2023,¹⁰⁶ expanded it to offences which had previously not entailed capital punishment, including attempted offences, runs counter to its obligations under article 6 (right to life) of the International Covenant on Civil and Political Rights.¹⁰⁷ Of grave concern is the systematic practice of imposing capital punishment without fair trial guarantees, as established in numerous views of the Human Rights Committee. Furthermore, in 2018, the Committee said that it was aware of 10 individuals executed notwithstanding its interim measures.¹⁰⁸ To date, civil society has recorded no less than 15 such executions.

52. Belarus disregards conclusions of human rights bodies about incompatibility of its legislation with international human rights law owing to the fact that individuals on death row and their relatives are not informed about the date and time of the execution; that bodily remains are not returned to families; and that places of burial are not disclosed. The Human Rights Committee has alerted that this amounts to violation of article 7 of the International Covenant on Civil and Political Rights,¹⁰⁹ while the Committee against Torture has pointed to violation of article 16 of the Convention against Torture.¹¹⁰ In 2011, Belarus declined recommendations by the Committee against Torture regarding the improvement of the conditions of detention of persons on death row, remedying the secrecy and arbitrariness surrounding executions.¹¹¹ Under the universal periodic review in 2020, Belarus denied the recommendation to offer convicts’ families an opportunity to say goodbye and bury the corpses.¹¹² In 2023, the Human Rights Committee regretted the lack of information from Belarus regarding action taken to introduce relevant amendments.¹¹³

⁹⁷ See www.belarus.by/en/government/events/mps-hope-for-belarus-pace-special-guest-status-restoration_i_0000034178.html.

⁹⁸ Parliamentary Assembly of the Council of Europe resolutions 1672 (2019) of 23 June 2009 and 1727 (2010) of 29 April 2010.

⁹⁹ [A/HRC/46/5/Add.1](#) (138.8, 138.10, 138.11, 138.13, 138.84, 138.85, 138.88, 138.91, 138.92, 138.94, 138.95, 138.98–138.101).

¹⁰⁰ [A/HRC/46/5/Add.1](#), para. 1 (138.9).

¹⁰¹ *Ibid.*, para. 1 (138.12).

¹⁰² *Ibid.*, para. 4 (138.96) and para. 35 (138.87).

¹⁰³ *Ibid.*, para. 1 (138.86, 138.87, 138.98, 138.90, 138.93).

¹⁰⁴ *Ibid.*, para. 48 (2020).

¹⁰⁵ [CCPR/C/79/Add.86](#), para. 8.

¹⁰⁶ [A/HRC/53/53](#), paras. 92–98.

¹⁰⁷ Human Rights Committee, general comment No. 36 (2018), para. 34.

¹⁰⁸ [CCPR/C/BLR/CO/5](#), para. 7.

¹⁰⁹ [CCPR/C/79/Add.86](#), para. 8; [CCPR/C/77/D/886/1999](#).

¹¹⁰ [CAT/C/BLR/CO/4](#), para. 27; [CAT/C/BLR/CO/5](#), paras. 54 and 55.

¹¹¹ [CAT/C/BLR/CO/4/Add.1](#).

¹¹² [A/HRC/30/3/Add.1](#) (para. 129.50) (2015).

¹¹³ [CCPR/C/137/2/Add.1](#).

E. Arbitrary detention

53. Arbitrary detentions are a chronic issue in Belarus, significantly exacerbated following the 2020 protests, with tens of thousands of persons arbitrarily detained since then.¹¹⁴ However, concerns had been raised by treaty bodies three decades before¹¹⁵ and in the report of the Working Group on Arbitrary Detention on its visit to Belarus in 2004,¹¹⁶ as well as in the 2012 report of the High Commissioner.¹¹⁷ Arbitrary detentions are routinely used as a means to suppress political opposition and civil society, particularly in the context of elections.¹¹⁸

54. Over the years, the Special Rapporteur, the Working Group on Arbitrary Detention, Human Rights Committee and OHCHR have addressed numerous cases of arbitrary detentions in Belarus. However, the authorities have not proceeded with freeing the victims and providing them compensation – not counting random amnesties, which do not amount to recognition of the arbitrariness of the detentions, or less so to rehabilitation. During its previous universal periodic review cycle in 2020, Belarus did not support the recommendations to investigate alleged arbitrary detentions, release those arbitrarily detained and prevent other arbitrary detentions.¹¹⁹

F. Torture and other ill-treatment in detention

55. Even though in 2010 Belarus accepted a recommendation to introduce into its legislation the definition of torture reflecting that in article 1 of the Convention against Torture,¹²⁰ the Committee against Torture and the Human Rights Committee have repeatedly underlined that the definition under domestic criminal legislation does not comply with articles 1 and 4 of the Convention against Torture and article 7 of the International Covenant on Civil and Political Rights.¹²¹ Today, article 128 of the Criminal Code contains a definition similar to that in article 1 of the Convention, yet with a disclaimer that “torture” does not include “pain and suffering resulting from measures of procedural or other legal coercion”, which goes far beyond the disclaimer on legal sanctions in article 1 of the Convention. In 2020, Belarus claimed that its Criminal Code contained the definition of torture set out in the Convention.¹²²

56. Under the universal periodic review, Belarus has consistently declared its intention to fight torture. In 2010, it accepted recommendations to respect the prohibition of torture, including ensuring that confessions or information obtained as a result of ill-treatment must not be used as evidence in court,¹²³ to improve living conditions in prisons and pretrial detention centres¹²⁴ and to ensure that all detainees have access to legal counsel and relatives.¹²⁵ It accepted as being implemented a recommendation on ensuring prompt, impartial and comprehensive investigations

¹¹⁴ A/HRC/55/61, para. 15.

¹¹⁵ CCPR/C/79/Add.86, para. 10 (1997); A/56/44, para. 46 (f) (Committee against Torture, 2001).

¹¹⁶ E/CN.4/2005/6/Add.3.

¹¹⁷ A/HRC/20/8.

¹¹⁸ See, for example, E/CN.4/2005/6/Add.3, para. 56 (2001 presidential elections) and para. 62 (2004 parliamentary elections).

¹¹⁹ A/HRC/46/5/Add.1, 138.112, 138.125–138.140, 138/196, 138.198, 138.199; para. 38 (138.176) (2020).

¹²⁰ A/HRC/15/16/Add.1, para. 59 (98.21).

¹²¹ CAT/C/BLR/CO/4, para. 16 (2011); CCPR/C/BLR/CO/5, paras. 29 and 30 (2018); CAT/C/BLR/CO/5, paras. 50 and 51 (2018); CCPR/C/BLR/CO/5, paras. 29 and 30 (2018).

¹²² A/HRC/46/5/Add.1, para. 4.

¹²³ A/HRC/15/16, para. 97.28.

¹²⁴ Ibid., para. 97.30.

¹²⁵ Ibid., para. 97.31.

into all allegations of ill-treatment of detainees.¹²⁶ In 2015, Belarus accepted recommendations regarding combating impunity for ill-treatment in detention facilities.¹²⁷ In 2020, it accepted as implemented a recommendation to treat all detainees in line with international human rights law,¹²⁸ recommendations to intensify monitoring of places of detention, to ensure impartial and independent investigations into allegations of torture and ill-treatment,¹²⁹ to improve access to and the quality of health care for prisoners and to increase the number of professional medical staff in detention facilities.¹³⁰

57. Notwithstanding these engagements, according to OHCHR, since 2020, thousands of Belarusians have been subjected to cruel, inhuman or degrading treatment or punishment in detention facilities.¹³¹ However, systematic ill-treatment in custody largely predates 2020. Already in 1997, the Human Rights Committee expressed concerns about the conditions of detention in prisons, particularly with regard to overcrowding and the existence of “punishment cells”.¹³² In 2001, the Committee against Torture noted “the overcrowding, poor diet and lack of access to facilities for basic hygiene and adequate medical care” in prisons and pretrial detention centres.¹³³ In 2004, the Working Group on Arbitrary Detention expressed concerns about conditions of detention in pretrial detention and in KGB-run detention facilities.¹³⁴ In 2006, the Special Rapporteur on the question of torture denounced ill-treatment in several pretrial detention centres and penitentiary facilities, noting extreme overcrowding, placement of healthy and sick persons together in cells, lack of ventilation and of access to hygiene facilities and medical care.¹³⁵ These and other concerns, including deaths in custody due to a lack of medical care, were later echoed by the Committee against Torture, in 2011 and 2018,¹³⁶ and by the Human Rights Committee.¹³⁷ According to credible allegations received by the Special Rapporteur, all the above-mentioned issues remain unresolved, leading, in extreme cases, to deaths in custody.¹³⁸

58. A major obstacle to the eradication of ill-treatment in detention is the absence of an independent oversight mechanism.¹³⁹ Belarus has ignored recommendations to ratify or accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,¹⁴⁰ which provides for the establishment of a national preventive mechanism and international supervision of places of detention. Under its 2020 universal periodic review, Belarus indicated as “already implemented” the recommendation to intensify monitoring of places of

¹²⁶ [A/HRC/15/16/Add.1](#), paras. 60–63 (98.22) (2010).

¹²⁷ [A/HRC/30/3](#), para. 127.52; [A/HRC/30/3/Add.1](#), 129.52, 129.67, 129.89.

¹²⁸ [A/HRC/46/5/Add.1](#), para. 6 (138.11).

¹²⁹ *Ibid.*, para. 4 (138.102).

¹³⁰ *Ibid.*, para. 20 (138.228).

¹³¹ [A/HRC/55/61](#), para. 22.

¹³² [CCPR/C/79/Add.86](#), para. 11.

¹³³ [A/56/44](#), para. 45 (h).

¹³⁴ [E/CN.4/2005/6/Add.3](#), paras. 48–57.

¹³⁵ [A/HRC/4/33/Add.1](#), para. 16.

¹³⁶ [CAT/C/BLR/CO/4](#), paras. 18 and 19 (2011); [CAT/C/BLR/CO/5](#), para. 9 (2018).

¹³⁷ [CCPR/C/BLR/CO/5](#), para. 35.

¹³⁸ [A/HRC/56/65](#), paras. 31–45 (2024). See also, *inter alia*, [A/HRC/23/52](#), paras. 50–55, 119 (i) (2013); [A/68/276](#), paras. 99–105, 118 (i) (2013); [A/HRC/26/44](#), paras. 39–43, 139 (j) (2014); [A/HRC/41/52](#), paras. 24–29, 95 (b) (2019); [A/HRC/53/53](#), paras. 99–104, 111 (j) (2023).

¹³⁹ [CCPR/C/79/Add.86](#), para. 11 (1997); [A/56/44](#), para. 46 (e) (2001); [CAT/C/BLR/CO/4](#), para. 13 (2011); [CAT/C/BLR/CO/5](#), paras. 7, 33 and 34 (2018); [CCPR/C/BLR/CO/5](#), paras. 35 and 36 (2018).

¹⁴⁰ [A/HRC/15/16/Add.1](#), paras. 6 and 7 (98.4) (2010); [A/HRC/46/5/Add.1](#), 138.110, 138.14, 138.15 (2020).

detention.¹⁴¹ Other chronic issues relate to the lack of fundamental legal guarantees from the moment of arrest,¹⁴² including the absence of effective judicial control of detention¹⁴³ and restriction of detainees' access to lawyers.¹⁴⁴

G. Freedoms of expression, peaceful assembly and association

59. The repression of freedom of expression, peaceful assembly and association in Belarus is a long-term, systemic issue. As long ago as 2004, the Working Group on Arbitrary Detention received “extensive information concerning cases of persons who, exercising their right to assembly, demonstration, freedom of opinion and expression or disseminating information in a peaceful manner, were arrested and detained for short periods and charged with administrative offences”.¹⁴⁵ The Human Rights Committee has adopted numerous views finding violations by Belarus of articles 19, 21 and 22 of the International Covenant on Civil and Political Rights. According to the Secretary-General, affronts to freedom of expression and assembly, such as the dissolution of civil society organizations, including long-standing partners of the United Nations, have inhibited civil society actors from sharing information with the United Nations.¹⁴⁶

60. Belarus has always declared its adherence to guaranteeing the rights to freedom of expression, peaceful assembly and association to everyone, including media, human rights defenders, political parties, civil society organizations and trade unions. Such declarations were made under the universal periodic review in 2010,¹⁴⁷ 2015¹⁴⁸ and 2020.¹⁴⁹ However, many broadly formulated recommendations on these freedoms have been accepted as “already implemented”, whereas more specific recommendations related to concrete legislative amendments and administrative measures were not supported.

1. Freedom of expression

61. In 1997, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression pointed to an increasingly difficult operating environment for a free press and media in Belarus, resulting in their use for propaganda purposes.¹⁵⁰ In 2015, the former Special Rapporteur on the situation of human rights in Belarus concluded that the system of media governance had stifled the exercise of the right to freedom of opinion and information and that media pluralism was absent.¹⁵¹

62. In 2010, Belarus did not support recommendations under the universal periodic review to review its domestic legislation to ensure the full implementation of the right to freedom of speech and to facilitate the registration of independent media. Belarus referred to its 2009 Mass Media Act, which, it claimed, was compatible with the International Covenant on Civil and Political Rights.¹⁵² In 2015 and 2020, Belarus did

¹⁴¹ A/HRC/46/5/Add.1, para. 4 (138.102) (2020).

¹⁴² CAT/C/BLR/CO/5, para. 7 (2018).

¹⁴³ CCPR/C/BLR/CO/5, paras. 31 and 32 (2018).

¹⁴⁴ CAT/C/BLR/CO/4, para. 6 (2011).

¹⁴⁵ E/CN.4/2005/6/Add.3, para. 58.

¹⁴⁶ A/HRC/51/47, annex I, para. 13.

¹⁴⁷ A/HRC/15/16, para. 97.39; A/HRC/15/16/Add.1, paras. 76–92 (98.27–98.31, 98.35).

¹⁴⁸ A/HRC/30/3/Add.1, paras. 129.60–129.63, 129.67, 129.69, 129.70, 129.75, 129.79.

¹⁴⁹ A/HRC/46/5/Add.1, para. 7 (138.141–138.146, 138.147, 138.148, 138.151, 138.157, 138.159, 138.162, 138.167, 138.172, 138.175, 138.176, 138.181, 138.182).

¹⁵⁰ E/CN.4/1998/40/Add.1, paras. 28 and 52.

¹⁵¹ A/70/313.

¹⁵² A/HRC/15/16/Add.1, paras. 28–30 (98.12).

not support recommendations on amending this law,¹⁵³ despite the Human Rights Committee pointing to its incompatibility with article 19 of the International Covenant on Civil and Political Rights.¹⁵⁴

63. Belarus did not support the universal periodic review recommendations on removing the accreditation requirement for journalists,¹⁵⁵ ending harassment and arbitrary detentions of journalists and other media workers¹⁵⁶ and strengthening legislation to improve press freedom and to ensure the safety of journalists.¹⁵⁷ It declined recommendations made by the Committee against Torture with regard to ensuring the protection of human rights defenders and journalists from intimidation or violence.¹⁵⁸

64. Belarus has not supported the universal periodic review recommendations on lifting restrictions on the freedom of expression on the Internet.¹⁵⁹ In her 2012 report, the United Nations High Commissioner for Human Rights called on Belarus to ensure that Internet control measures are minimal.¹⁶⁰ On the contrary, Belarus has further restricted freedom of speech in the digital space, most recently with a sweeping seizure of independent media domain names belonging to resources recognized as “extremist”, launched on 4 April 2024.¹⁶¹

65. Other recommendations related to freedom of expression that were not supported by Belarus included reforming the legislation on freedom of information;¹⁶² decriminalizing defamation;¹⁶³ amending the legislation on extremism so that it does not disproportionately limit freedom of expression;¹⁶⁴ and stopping harassing, intimidating and criminalizing those critical of the Government.¹⁶⁵

66. The Human Rights Committee has found violations of article 19 of the International Covenant on Civil and Political Rights in various individual cases, such as administrative conviction for distribution of leaflets,¹⁶⁶ refusal of accreditation of a journalist,¹⁶⁷ conviction for slander owing to complaints against public officials,¹⁶⁸ administrative conviction for possession of books with political content¹⁶⁹ or distribution of newspapers.¹⁷⁰

2. Freedom of peaceful assembly

67. Belarus has consistently chosen not to support recommendations on amending its Public Events Act, claiming its compliance with the International Covenant on

¹⁵³ [A/HRC/30/3/Add.1](#), paras. 129.57–129.59 (2015); [A/HRC/46/5/Add.1](#), 138.150, 138.169, 138.173 (2020).

¹⁵⁴ [CCPR/C/BLR/CO/5](#), paras. 49 and 50 (2018); [CCPR/C/135/D/2848/2016](#) (2022).

¹⁵⁵ [A/HRC/30/3/Add.1](#), para. 129.65 (2015).

¹⁵⁶ *Ibid.*, 129.85 (2015); [A/HRC/46/5/Add.1](#), 138.156, 138.164, 138.171 (2020).

¹⁵⁷ [A/HRC/46/5/Add.1](#), 138.166 (2020).

¹⁵⁸ [CAT/C/BLR/CO/4/Add.1](#), para. 6.

¹⁵⁹ [A/HRC/30/3/Add.1](#), para. 129.56 (2015); [A/HRC/46/5/Add.1](#), 138.149, 138.155, 138.161, 138.168 (2020).

¹⁶⁰ [A/HRC/20/8](#), para. 75 (h) (2012).

¹⁶¹ <https://baj.media/ru/v-belarusi-annulirujut-domeny-jekstremistskih-resursov/> (in Russian).

¹⁶² [A/HRC/30/3/Add.1](#), para. 129.68 (2015).

¹⁶³ *Ibid.*, para. 129.64, 129.85 (2015); [A/HRC/46/5/Add.1](#), 138.169 (2020).

¹⁶⁴ [A/HRC/46/5/Add.1](#), 138.169 (2020).

¹⁶⁵ *Ibid.*, 138.158 (2020).

¹⁶⁶ [CCPR/C/101/D/1604/2007](#).

¹⁶⁷ [CCPR/C/111/D/1985/2010](#).

¹⁶⁸ [CCPR/C/111/D/1986/2010](#).

¹⁶⁹ [CCPR/C/111/D/1991/2010](#).

¹⁷⁰ [CCPR/C/115/D/1996/2010](#).

Civil and Political Rights.¹⁷¹ It also refused recommendations on ensuring the right to peaceful assembly to lesbian, gay, bisexual, transgender and intersex persons.¹⁷²

68. In 1997, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression concluded, following his visit to Belarus, that Belarusian legislation was incompatible with the right to freedom of peaceful assembly.¹⁷³ For more than a decade, the Human Rights Committee has repeatedly issued views finding violations of articles 19 and 21 of the International Covenant on Civil and Political Rights in cases where individuals were administratively convicted for calls to participate, or for participation in, peaceful assemblies and pickets. Since 1996,¹⁷⁴ the Committee has been calling on Belarus to review its Public Events Act and to align its implementation with articles 19 and 21 of the International Covenant on Civil and Political Rights.¹⁷⁵ In 2023, the Committee regretted that legislative amendments further restricted assemblies and gatherings.¹⁷⁶

69. Under its latest universal periodic review cycle in 2020, Belarus denied all recommendations related to ceasing repression against peaceful demonstrators, releasing those arbitrarily detained¹⁷⁷ and providing a safe environment for peaceful assembly.¹⁷⁸

3. Freedom of association

70. Over the years, the right to freedom of association has been almost totally destroyed in Belarus.¹⁷⁹ However, there have always been major concerns about the exercise of this freedom. ILO has been struggling to encourage Belarus to guarantee freedom of association for trade unions since the early 2000s (see Part I). Since 1996, the Committee on Economic, Social and Cultural Rights has consistently raised concerns about legislative restrictions to freedom of association for trade unions.¹⁸⁰ Another example is the liquidation in 2003 of the Viasna Human Rights Centre, and the authorities' subsequent refusal to re-register it, notwithstanding views of the Human Rights Committee finding a violation of article 22 of the International Covenant on Civil and Political Rights,¹⁸¹ concerns raised by the Committee against Torture¹⁸² and special procedures.¹⁸³

71. Limited progress was attained in 2019, when, following a recommendation reiterated under the universal periodic review¹⁸⁴ and by various bodies and

¹⁷¹ [A/HRC/15/16/Add.1](#), para. 22 (98.9), para. 27 (98.11), paras. 97 and 98 (98.34) (2010); [A/HRC/30/3/Add.1](#), 129.64, 129.91, 129.92, 129.93 (2015).

¹⁷² [A/HRC/46/5/Add.1](#), 138.177 (2020).

¹⁷³ [E/CN.4/1998/40/Add.1](#), para. 71.

¹⁷⁴ [CCPR/C/79/Add.86](#), para. 18 (1997).

¹⁷⁵ [CCPR/C/107/D/1785/2008](#) (2013); [CCPR/C/111/D/1934/2010](#) (2014); [CCPR/C/114/D/1969/2010](#) (2015); [CCPR/C/116/D/2092/2011](#) (2016); [CCPR/C/120/D/2142/2012](#) (2017); [CCPR/C/122/D/2190/2012](#) (2018); [CCPR/C/127/D/2724/2016](#) (2019); [CCPR/C/128/D/2391/2014](#) (2020); [CCPR/C/133/D/2708/2015](#) (2021).

¹⁷⁶ [CCPR/C/137/2/Add.1](#) (2023).

¹⁷⁷ [A/HRC/46/5/Add.1](#), 138.105–138.108, 138.114, 138.125, 138.133, 138.139, 138.170, 138.180, 138.196.

¹⁷⁸ [A/HRC/46/5/Add.1](#), 138.170 (2020).

¹⁷⁹ [A/HRC/56/65](#).

¹⁸⁰ [E/C.12/1/Add.7/Rev.1](#), paras. 17 and 22 (1996); [E/C.12/BLR/CO/4-6](#), para. 17 (2013); [E/C.12/BLR/CO/7](#), paras. 27 and 28 (2022).

¹⁸¹ [CCPR/C/90/D/1296/2004](#); [CCPR/C/112/D/2165/2012](#).

¹⁸² [CAT/C/BLR/CO/4](#), para. 25 (2011).

¹⁸³ See, for example, [A/HRC/17/27/Add.1](#), para. 331.

¹⁸⁴ [A/HRC/15/16](#), 98.9 (2010).

mechanisms,¹⁸⁵ Belarus repealed article 193-1 of the Criminal Code, which criminalized the organization of and participation in unregistered associations. Contrary to the recommendations, however, Belarus replaced the criminal offence with an administrative one, prompting new recommendations on repealing this provision as well.¹⁸⁶ In 2022, it reintroduced article 193-1 into the Criminal Code, annihilating its previous achievements.

72. On some issues, Belarus has taken actions contradictory to those recommended. For instance, treaty bodies for years recommended facilitating the registration of NGOs.¹⁸⁷ Under the universal periodic review, Belarus first denied such recommendations,¹⁸⁸ then accepted them as implemented.¹⁸⁹ Today, registration procedures are more restrictive than ever.¹⁹⁰ For example, contrary to recommendations by the Committee on the Elimination of Discrimination against Women,¹⁹¹ instead of removing the requirement for a legal address, Law No. 251-Z of 14 February 2023 obliged republican public associations to have branches in all regions and in the city of Minsk, each registered with a distinct legal address.

H. Right to take part in the conduct of public affairs

73. Prohibitions of public rallies, censorship, arbitrary arrests and unfair convictions have become well-tested tools to eliminate political opponents from the electoral race. Hence Belarus consistently violates the right to take part in the conduct of public affairs, to vote and be elected at genuine periodic elections under article 25 of the International Covenant on Civil and Political Rights.

74. As long ago as 2013, the Special Rapporteur's predecessor observed that the rights to vote and be elected at genuine periodic elections were not guaranteed in Belarus and that, since 2004, it had been the only State in Europe with a parliament without an opposition.¹⁹² In 2019, the current mandate holder issued a report focused on structural issues that hampered the conduct of elections according to international human rights standards.¹⁹³ The mandate holder has issued numerous recommendations on remedying violations of electoral rights, including by amending the electoral law – to no avail, unfortunately.¹⁹⁴

75. Special procedures, treaty bodies and OHCHR have evoked a great number of cases of human rights violations aimed at suppressing political opposition. The Human Rights Committee adopted views finding a violation by Belarus of article 25 of the International Covenant on Civil and Political Rights, in the context of the 2001 presidential elections (refusal to register a candidate and lack of an independent and impartial remedy to challenge this decision);¹⁹⁵ the 2004 parliamentary elections

¹⁸⁵ [CEDAW/C/BLR/CO/7](#), para. 28 (a) (2011); [CCPR/C/BLR/CO/5](#), para. 55 (2018); [CRC/C/BLR/CO/3-4](#), paras. 23 and 24 (2011); [CAT/C/BLR/CO/5](#), para. 47 (2018); Committee against Torture, follow-up letter of 6 April 2021.

¹⁸⁶ [CRC/C/BLR/CO/5-6](#), para. 12 (2020).

¹⁸⁷ [CCPR/C/79/Add.86](#), para. 19 (1997); [CRC/C/15/Add.180](#), para. 23 (b) (2002); [CRC/C/BLR/CO/3-4](#), paras. 7 and 24 (2011); [CCPR/C/BLR/CO/5](#), paras. 54 and 55 (2018).

¹⁸⁸ [A/HRC/15/16/Add.1](#), paras. 23–26 (98.10) (2010).

¹⁸⁹ [A/HRC/30/3/Add.1](#), 129.66, 129.87 (2015); [A/HRC/46/5/Add.1](#), para. 20 (138.184) (2020).

¹⁹⁰ [A/HRC/56/65](#).

¹⁹¹ [CEDAW/C/BLR/CO/7](#), para. 28 (b) (2011).

¹⁹² [A/68/276](#), paras. 115 and 116.

¹⁹³ [A/74/196](#).

¹⁹⁴ [A/68/276](#), para. 118 (a)–(c) (2013); [A/HRC/29/43](#), para. 131 (d) (2015); [A/70/313](#), para. 109 (j) (2015); [A/HRC/32/48](#), para. 139 (i) (2016); [A/71/394](#), para. 111 (a) and (b) (2016); [A/HRC/38/51](#), para. 114 (k) (2018); [A/74/196](#), para. 81 (d) and (i) (2019); [A/HRC/47/49](#), para. 101 (g) (2021).

¹⁹⁵ [CCPR/C/88/D/1047/2002](#).

(refusal to register a candidate¹⁹⁶ and denial of the right to run for office to the House of Representatives);¹⁹⁷ the 2006 presidential elections (seizure of campaign leaflets of a candidate and administrative conviction of a member of his electoral headquarters);¹⁹⁸ and the 2007 local elections (restricting the holding of a candidate's meeting with potential voters to a location outside of the city centre).¹⁹⁹ The Committee has also found violations of other provisions of the Covenant in the 2007 local elections,²⁰⁰ the 2010 presidential elections,²⁰¹ the 2012 parliamentary elections,²⁰² the 2015 presidential elections²⁰³ and the 2020 presidential elections.²⁰⁴

76. Under the universal periodic review, Belarus first refused to support recommendations on reforming its electoral legislation (in 2010),²⁰⁵ then accepted this recommendation as “already implemented” (in 2015).²⁰⁶ In 2020, it accepted as implemented recommendations on organizing free and fair elections in the presence of Organization for Security and Cooperation in Europe (OSCE) observers.²⁰⁷ However, the latter were not timely invited and could not observe the elections. Belarus denied recommendations on reforming its Electoral Code in line with recommendations of the OSCE Office for Democratic Institutions and Human Rights.²⁰⁸

77. The only positive development in terms of exercising the right to participate in public affairs has been granting the right to vote to persons in pretrial detention. However, the same law No. 252-Z of 16 February 2023 put an end to organizing voting in consulates for Belarusians living abroad and introduced a requirement for presidential candidates to have resided in Belarus for 20 years immediately prior to the elections and not to possess or have possessed foreign citizenship, a foreign residence permit or “another document of a foreign State entitling to benefits or other advantages”. Belarus has thus excluded all its citizens residing abroad from electoral processes. In addition, persons serving prison sentences continue to be legally prevented from voting.

I. Violence against women

78. In her 2021 report to the General Assembly, the Special Rapporteur acknowledged the Government's efforts to promote the human rights of women at the policy level but regretted that these rarely translated into concrete advancement of the protection of women's and girls' rights.²⁰⁹

79. Under its first two universal periodic review cycles, in 2010 and 2015, Belarus accepted recommendations on combating domestic violence²¹⁰ and has indeed made some advancements. In 1997, the Human Rights Committee noted steps taken by

¹⁹⁶ CCPR/C/100/D/1354/2005.

¹⁹⁷ CCPR/C/97/D/1392/2005.

¹⁹⁸ CCPR/C/95/D/1553/2007.

¹⁹⁹ CCPR/C/113/D/1992/2010.

²⁰⁰ CCPR/C/114/D/1902/2009.

²⁰¹ CCPR/C/118/D/2139/2012; CCPR/C/133/D/2619/2015; CCPR/C/126/D/2383/2014; CCPR/C/122/D/2212/2012; CCPR/C/132/D/2862/2016; CCPR/C/112/D/2114/2011; CCPR/C/117/D/2101/2011; CCPR/C/117/D/2108/2011-CCPR/C/117/D/2109/2011.

²⁰² CCPR/C/123/D/2236/2013.

²⁰³ CCPR/C/136/D/2961/2017; CCPR/C/136/D/2909/2016-2910/2016; CCPR/C/136/D/2915/2016.

²⁰⁴ CCPR/C/139/D/3788/2020.

²⁰⁵ A/HRC/15/16/Add.1, paras. 104–107 (98.37).

²⁰⁶ A/HRC/30/3/Add.1, 129.94.

²⁰⁷ A/HRC/46/5/Add.1, para. 20 (138.212).

²⁰⁸ *Ibid.*, 138.213–138.2015.

²⁰⁹ A/76/145, para. 5.

²¹⁰ A/HRC/15/16, para. 97.24 (2010); A/HRC/30/3, paras. 127.54–127.61 (2015).

Belarus to improve the situation of women in the labour market and welcomed the creation of a Women's Crisis Centre.²¹¹ In 2014, Belarus adopted a law on prevention of domestic violence (law No. 122-Z of 4 January 2014), complying with recommendations of the Committee on the Elimination of Discrimination against Women²¹² and earning the approval of the Human Rights Committee.²¹³

80. However, in some matters, the Belarusian authorities have stopped halfway or openly refused to implement recommendations received. For instance, in 2018, the Ministry of Internal Affairs issued a concept note of law "On countering domestic violence", welcomed by civil society. However, following criticism by the President, the initiative was abandoned.²¹⁴ Belarus refuses to implement the long-standing recommendation, reiterated by treaty bodies²¹⁵ and under the universal periodic review,²¹⁶ to criminalize domestic violence and marital rape, stating that this would discriminate against other victims of sexual violence²¹⁷ and that national legislation already criminalizes sexual violence.²¹⁸ Under the universal periodic review in 2020, Belarus accepted many recommendations on domestic violence, including its criminalization, as "already implemented".²¹⁹ Women's rights associations claim otherwise, however.

81. Particularly alarming is the lack of progress in relation to conditions of detention of women in pretrial detention centres, prisons and penal colonies. Relevant recommendations have been issued by treaty bodies²²⁰ and concerns have been raised by the Special Rapporteur and other special procedures.²²¹

82. Two out of three views on individual communications against Belarus adopted by the Committee on the Elimination of Discrimination against Women concern ill-treatment of women in detention. Two similar views in relation to ill-treatment of women sentenced to administrative arrests, adopted with a 15-year interval,²²² demonstrate that the State did not take any of the measures recommended earlier by the Committee to prevent recurrence of the violations. In a follow-up letter of 9 September 2019,²²³ the Committee noted that its 2016 recommendation on ensuring detained women decent living and working conditions, oversight mechanisms and clear complaint procedures had been only partially implemented.

²¹¹ CCPR/C/79/Add.86, para. 5 (1997).

²¹² Committee on the Elimination of Discrimination against Women, follow-up letter of 10 September 2014, available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

²¹³ CCPR/C/BLR/CO/5, para. 23 (2018).

²¹⁴ See <https://news.zerkalo.io/life/41455.html> (in Russian).

²¹⁵ CAT/C/BLR/CO/4, para. 22 (2011); CEDAW/C/BLR/CO/7, para. 20 (c) (2011); E/C.12/BLR/CO/4-6, para. 19 (2013); Committee on the Elimination of Discrimination against Women, follow-up letter of 10 September 2014 (available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>); CEDAW/C/BLR/CO/8, paras. 22 (a) and 23 (a) (2016); CAT/C/BLR/CO/5, paras. 37–39 (2018); Committee on the Elimination of Discrimination against Women, follow-up letter of 9 September 2019 (available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>); CCPR/C/BLR/CO/5, paras. 23 and 24 (2018).

²¹⁶ A/HRC/46/5/Add.1, 138.245 (2020).

²¹⁷ CCPR/C/BLR/5, para. 115 (2017).

²¹⁸ CEDAW/C/BLR/CO/8/Add.1, paras. 1–5.

²¹⁹ A/HRC/46/5/Add.1, paras. 20 (138.242, 138.246–138.248), 21 (138.249–138.251) and 26 (138.20).

²²⁰ CAT/C/BLR/CO/4, para. 20 (2011); CAT/C/BLR/CO/5, paras. 25 and 26 (2018).

²²¹ See communications BLR 8/2022, BLR 3/2023, BLR 10/2023, BLR 11/2023, BLR 12/2023 and BLR 13/2023, available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

²²² CEDAW/C/49/D/23/2009; CEDAW/C/87/D/157/2020.

²²³ CEDAW/C/BLR/CO/8, para. 45 (2016).

83. According to available information, Belarus has not taken any steps to improve the conditions of detention for women since 2018. Instead, reports have accumulated evidencing gender-based violence as being systematic in places of detention since 2020; about women detained on politically motivated charges being deprived of sanitary pads and water for personal hygiene; about violation of privacy of women prisoners; and lack of effective complaints mechanisms.

J. Lack of accountability for grave human rights violations

84. Lack of accountability for grave human rights violations such as torture, arbitrary deprivations of liberty and enforced disappearances, is a persistent scourge. Despite recommendations by the Special Rapporteur²²⁴ and treaty bodies,²²⁵ Belarus has failed to conduct a thorough and effective investigation into the disappearance of three political opponents and a reporter in the late 1990s. Belarus explicitly rejected the recommendation of the Committee against Torture to investigate these cases.²²⁶ A preliminary investigation reportedly resumed in 2019 but was suspended again in 2020.

85. In 1997, the Human Rights Committee expressed concerns about numerous allegations of ill-treatment by law enforcement officials. The Committee noted the lack of independent investigations and low number of prosecutions and convictions.²²⁷

86. In 2001, the Committee against Torture pointed to “numerous continuing allegations of torture and other cruel, inhuman and degrading punishment or treatment”, committed by State officials or with their acquiescence, particularly affecting political opponents and peaceful demonstrators. It also noted “the pattern of failure of officials to conduct prompt, impartial and full investigations into the many allegations of torture reported to the authorities, as well as failure to prosecute alleged perpetrators”.²²⁸

87. Under the universal periodic review in 2010, Belarus did not support recommendations to suspend the duties of all officials implicated in cases of enforced disappearance, extrajudicial executions and torture; to ensure impartial investigations; and to bring perpetrators to justice. Belarus claimed it had no information on the involvement of State authorities in such unlawful activities.²²⁹ At the same time, it accepted as “already implemented” recommendations to investigate all violations against human rights defenders, journalists, students and political activists.²³⁰

88. In 2011, the Committee against Torture observed that, over 10 years, only four law enforcement officers had been prosecuted for torture, albeit under less serious charges.²³¹ Belarus declined the Committee’s recommendations to investigate allegations of ill-treatment by law enforcement officers, the armed forces and prison staff and to punish the perpetrators.²³²

²²⁴ [A/HRC/23/52](#), para. 119 (g) (2013); [A/HRC/26/44](#), para. 139 (h) (2014); [A/HRC/44/55](#), para. 88 (i) (2020).

²²⁵ [CAT/C/BLR/CO/4](#), para. 9 (2011); [CCPR/C/104/D/1820/2008](#) (2012); [CAT/C/BLR/CO/5](#), paras. 35 and 36 (2018); [CCPR/C/BLR/CO/5](#), para. 26 (2018); [CCPR/C/119/D/2586/2015](#) (2017).

²²⁶ [CAT/C/BLR/CO/4/Add.1](#), para. 6.

²²⁷ [CCPR/C/79/Add.86](#), para. 9.

²²⁸ [A/56/44](#), para. 45 (c) and (e).

²²⁹ [A/HRC/15/16/Add.1](#), paras. 53–56 (98.19) and 64 (98.23) (2010).

²³⁰ *Ibid.*, paras. 93 and 94 (98.32) (2010).

²³¹ [CAT/C/BLR/CO/4](#), para. 11 (d) (2011).

²³² [CAT/C/BLR/CO/4/Add.1](#), para. 6 (2011).

89. Under the universal periodic review in 2015, Belarus accepted recommendations on addressing impunity for torture and other ill-treatment, in particular in detention facilities.²³³ However, in 2018, Belarus did not satisfy the request of the Committee against Torture for examples of cases in which officials accused of torture had been suspended from duty pending an investigation. It reported that, from 2012 to 2015, out of the 614 reports of acts constituting torture or ill-treatment received by the State party's Investigative Committee and other relevant officials, only 10 were subject to criminal investigation and none of these cases had led to a conviction.²³⁴

90. Belarus has not acted on recommendations by treaty bodies to end impunity for alleged ill-treatment of members of the political opposition and peaceful protesters in the context of the 2010 presidential elections²³⁵ and the 2016 presidential elections.²³⁶ Belarus is not providing treaty bodies with information on investigations into cases of excessive use of force, arbitrary detentions, torture and other ill-treatment by law enforcement officials during the 2020–2021 mass protests,²³⁷ although the Belarus investigative authorities admitted having received more than 5,000 complaints about unlawful conduct by law enforcement officials in the two years following the 2020 election. No criminal proceedings were initiated.²³⁸

91. In the light of the above, the Belarusian Government's claims appear unfounded when accepting as "already implemented" recommendations to investigate alleged cases of torture and other ill-treatment, as it did under the universal periodic review in 2020,²³⁹ whereas no perpetrator of alleged torture and disproportionate violence has been held accountable. The pattern of acceptance and rejection of recommendations appears inconsistent when it comes to recommendations on ending impunity for human rights violations against peaceful protesters in the context of the 2020 elections.²⁴⁰ Regrettably, Belarus did not support the recommendation to cooperate with all relevant human rights mechanisms for a comprehensive independent investigation into these violent events.²⁴¹ Reportedly, by May 2024 no criminal case had been opened against State agents for human rights violations committed in the context of the 2020 elections and their aftermath.

IV. Conclusions and recommendations

92. For two decades, Belarus has not engaged effectively with international human rights bodies and mechanisms, in particular on civil and political rights. The level of engagement has further deteriorated since 2020. In some cases, Belarus has gone as far as to withdraw from international treaties, depriving individuals under its jurisdiction of the benefit of international legal protection.

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

²³³ A/HRC/30/3, paras. 127.51 and 127.52; A/HRC/30/3/Add.1, 129.52, 129.67 and 129.89.

²³⁴ CAT/C/BLR/CO/5, para. 13 (2018).

²³⁵ CAT/C/BLR/CO/4, para. 11 (2011); CAT/C/BLR/CO/5, para. 14 (2018); CCPR/C/BLR/CO/5, paras. 29 and 30 (2018).

²³⁶ CCPR/C/BLR/CO/5, para. 29 (2018).

²³⁷ CCPR/C/137/2/Add.1 (2023).

²³⁸ CAT/C/BLR/6, paras. 121 and 123.

²³⁹ A/HRC/46/5/Add.1, para. 4 (138.102–138.104) and para. 20 (138.192, 138.203).

²⁴⁰ Ibid., 138.113, 138.189–138.191, 138.194–138.196, 138.198–138.202, 139.204, 138.205, 138.207–138.211; para. 43 (138.193).

²⁴¹ A/HRC/46/5/Add.1, 139.206 (2020).

(a) Fully and non-selectively implement the recommendations from all United Nations human rights bodies and mechanisms;

(b) Review its position of non-engagement with the country mandates of special procedures and of selective engagement with thematic mandates, and cooperate fully with the Special Rapporteur's mandate;

(c) Respond to all communications issued by special procedures, providing exhaustive answers to enquiries, following up on recommendations and launching effective and transparent investigations into alleged human rights violations brought to the authorities' attention;

(d) Cooperate with the Human Rights Committee on all individual communications submitted to it before Belarus' withdrawal from the Optional Protocol to the International Covenant on Civil and Political Rights became effective on 8 February 2023;

(e) Refrain from creating obstacles to the exhaustion of domestic remedies and obtaining proof thereof, for example by abandoning the practice of imposing non-disclosure agreements on lawyers and holding trials in absentia without the opportunity for the accused to participate in the proceedings and access materials of the case;

(f) Design a new national action plan on human rights, including a comprehensive list of recommendations received under the universal periodic review, from special procedures and treaty bodies, and clear measurable targets and progress indicators. Ensure that all interested stakeholders, including civil society organizations registered outside Belarus, can contribute to this process;

(g) Re-accede to all international treaties related to human rights denounced by Belarus over the years, and consider ratifying the two remaining core United Nations human rights treaties not yet accepted by Belarus, as well as the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

(h) Investigate reported cases of reprisals for cooperation with international human rights bodies, and ensure accountability for those responsible.

94. The Special Rapporteur recommends to the Human Rights Committee and the Committee on the Elimination of Discrimination against Women to demonstrate flexibility as to the requirement of the exhaustion of domestic remedies in relation to individual communications submitted against Belarus, in the light of concerns described in the present report.

95. The Special Rapporteur recommends that all stakeholders:

(a) Use all means at their disposal to urge the Belarusian authorities to comply with their international human rights obligations in line with the *pacta sunt servanda* principle;

(b) Support national and international accountability mechanisms, bearing in mind that fighting impunity for grave human rights violations and possible crimes against humanity is a sine qua non condition to prevent reoccurrence.