



General Assembly

Distr.: Limited
15 March 2021

Original: English

Human Rights Council

Forty-sixth session

22 February–23 March 2021

Agenda item 4

Human rights situations that require the Council's attention

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

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

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Having held an urgent debate at its forty-fifth session to discuss the situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath,

Recalling all resolutions adopted by the Commission on Human Rights, the General Assembly and the Human Rights Council on the situation of human rights in Belarus, including Council resolution 45/1 of 18 September 2020,

Recalling also the statements made by the United Nations High Commissioner for Human Rights on 12 August 2020 and 25 February 2021, the statement made by the Office of the Secretary-General on 13 August 2020 and the joint statements made by the special procedure mandate holders since the presidential election held in Belarus on 9 August 2020,

Welcoming the interim oral update presented by the High Commissioner to the Human Rights Council on 4 December 2020 and the subsequent report of the High Commissioner on the situation of human rights in Belarus in the context of the 2020 presidential election¹ and the recommendations and conclusions contained therein, including the recommendation that the Government of Belarus ensure that independent, impartial, prompt, thorough, effective, credible and transparent investigations are conducted into all allegations of human rights violations in the context of peaceful protests, including those involving loss of life and injuries, and torture or ill-treatment, including acts of sexual violence, and that perpetrators are brought to justice and adequately held to account,

Recalling the report of the rapporteur of the Organization for Security and Cooperation in Europe, appointed under the Moscow Mechanism, invoked with regard to

* State not a member of the Human Rights Council.

¹ A/HRC/46/4.



alleged human rights violations during the presidential election of 9 August 2020 in Belarus, and the recommendations contained therein,

1. *Expresses deep concern* about the overall situation of human rights in Belarus and its deterioration in the run-up to the 2020 presidential election held on 9 August 2020 and in its aftermath;

2. *Condemns* the ongoing grave violations of human rights in Belarus in connection with the 2020 presidential election, including the systematic denial of human rights and fundamental freedoms, the arbitrary arrests and detention of opposition members, journalists and media workers, human rights defenders and citizens in general for exercising their human rights and fundamental freedoms, and the prison sentences handed down to media workers for performing their professional duties;

3. *Regrets* that the Government of Belarus has not fulfilled its obligations with regard to the right of every citizen to vote and to be elected at free and fair periodic elections, which should be by universal and equal suffrage and should be held by secret ballot, guaranteeing the free expression of the will of the electors, in accordance with its obligations under article 25 (b) of the International Covenant on Civil and Political Rights, and also regrets the failure of Belarus to implement previous recommendations of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe on holding free and fair elections that meet international standards and its non-cooperation in issuing a timely invitation, which precluded the deployment of a mission by that Office to observe the recent presidential election;

4. *Expresses serious concern* at reports that human rights violations were committed in Belarus in the run-up to the 2020 presidential election and in its aftermath, including numerous acts of torture; enforced disappearances; abduction and arbitrary expulsions, including the politically motivated arbitrary expulsion from the territory of Belarus of members of the Coordination Council; arbitrary arrests and detention, including of minors; acts of sexual and gender-based violence; arbitrary deprivation of life; attacks against and harassment, intimidation and arbitrary detention of members of the political opposition, including members of the Coordination Council, human rights defenders, civil society representatives, journalists and other media workers, and people seeking to peacefully exercise their civil and political rights; denial of the right to freedom of peaceful assembly; and denial of the right to freedom of opinion and expression, both online and offline, including through attacks on the media and the regular harassment of journalists while they exercise their legitimate functions in the context of assemblies, by revoking foreign media workers' accreditations, blocking independent media websites and shutting down the Internet;

5. *Expresses particular concern* at reports of numerous acts of torture and other cruel, inhuman or degrading treatment or punishment by law enforcement and prison officers, including in prisons and detention centres, which urgently require an independent investigation, and regrets that, despite being a State party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Belarus has, according to reports, not complied with its obligations under that treaty, reflecting long-standing, chronic patterns of systemic violations and impunity;

6. *Calls upon* the Belarusian authorities to cease using excessive force against peaceful demonstrators, and torture and other cruel, inhuman or degrading treatment or punishment and enforced disappearance, and to stop carrying out arbitrary arrests, detentions and imprisonment of persons for exercising their human rights, and urges the Belarusian authorities to immediately and unconditionally release all political prisoners, journalists and other media workers, human rights defenders, members of strike committees, students and those arbitrarily detained in the lead-up to, during and after the presidential election for exercising their human rights and fundamental freedoms;

7. *Also calls upon* the Belarusian authorities to ensure free and fair elections, and to enter into a genuine dialogue with the political opposition, including the Coordination Council and civil society, in order to restore and maintain the rule of law, democracy and respect for human rights law and standards, and to that end to engage meaningfully with the Organization for Security and Cooperation in Europe;

8. *Recognizes* the important role played by journalists and civil society, including human rights defenders, in particular women human rights defenders, in continuing to carry out essential human rights work, including by documenting and monitoring, in challenging circumstances, allegations of human rights violations in the lead-up to, during and after the election;

9. *Urges* the Belarusian authorities to fulfil their obligations under international human rights law, in particular with regard to the freedoms of peaceful assembly and of association, the prohibition of torture and other forms of cruel, inhuman or degrading treatment or punishment, and freedom of opinion and expression, both online and offline, including its obligations related to freedom of the media and freedom of information;

10. *Stresses* the need for accountability for human rights violations, which is critical for the prevention of further violations, and regrets that, to date, nothing indicates that criminal cases have been opened in Belarus following the thousands of complaints filed by alleged victims of torture or other ill-treatment, or that criminal charges have been laid relating to the death of at least four people in the context of the protests;

11. *Urges* the Belarusian authorities to ensure independent, transparent and impartial investigations into all reported human rights violations committed in the context of the election, including allegations of torture and other cruel, inhuman or degrading treatment or punishment of detainees and protesters and of enforced disappearance, and to guarantee that victims have access to justice and redress and that perpetrators are held fully accountable;

12. *Urges* Belarus to cooperate fully with the Special Rapporteur on the situation of human rights in Belarus, in particular by granting her free, full and unhindered access to the territory of the country, including unhindered access to all places of detention, and to extend full cooperation to the thematic special procedures of the Human Rights Council;

13. *Requests* the United Nations High Commissioner for Human Rights, with assistance from relevant experts and special procedure mandate holders:

(a) To monitor and report on the situation of human rights, to carry out a comprehensive examination of all alleged human rights violations committed in Belarus since 1 May 2020, including the possible gender dimensions of such violations, to establish the facts and circumstances surrounding the alleged violations, and to collect, consolidate, preserve and analyse information and evidence with a view to contributing to accountability for perpetrators and justice for victims and, where possible, to identify those responsible;

(b) To make general recommendations on improving respect for and the protection of human rights, and to provide guidance on access to justice and accountability, as appropriate;

(c) To engage with the Belarusian authorities and all stakeholders, in particular Belarusian, regional and international civil society, international human rights organizations, United Nations agencies, the Organization for Security and Cooperation in Europe and relevant States with a view to exchanging information, as appropriate, and providing support for national, regional and international efforts to promote accountability for human rights violations in Belarus;

14. *Requests* the immediate operationalization of the mandate;

15. *Encourages* all efforts, including by Belarusian and international civil society groups, and particularly before the operationalization of the above-mentioned mandate, to document human rights violations and abuses in Belarus;

16. *Requests* the Office of the High Commissioner to present an interim oral update to the Human Rights Council at its forty-eighth session, and a comprehensive written report at its forty-ninth session, both to be followed by an interactive dialogue;

17. *Calls upon* Belarus to extend full and transparent access to the Office of the High Commissioner;

18. *Requests* the Secretary-General to provide the Office of the High Commissioner with full administrative, technical and logistical support and the resources necessary to enable it to carry out its mandate.