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Human rights situations that require the Council's attention

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

55/... Situation of human rights in Belarus

The Human Rights Council,

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

Recalling all resolutions adopted by the Commission on Human Rights, the General Assembly, the Human Rights Council, as well as the International Labour Organization on the situation of human rights in Belarus, including Council resolutions 52/29 of 4 April 2023 and 53/19 of 13 July 2023, and all relevant statements made by the Office of the Secretary-General, the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Human Rights and the special procedures of the Human Rights Council on the deteriorating situation of human rights in Belarus,

Reaffirming its commitment to the sovereignty and independence of Belarus, and reaffirming also that it is the primary responsibility of the State to respect, protect and fulfil human rights in accordance with its obligations under international human rights law,

Expressing grave concern over the further deteriorating situation of human rights in Belarus, with reported widespread, systematic and gross violations of human rights and continuing systematic impunity,

Deeply concerned in this respect by the incarceration of more than 1,400 political prisoners and other persons for having exercised their human rights and by the continuing practice of arbitrary detentions and arrests, including those involving incommunicado detention, of individuals on politically motivated grounds or for exercising their human rights, including opposition members, journalists and other media workers, environmental and human rights defenders, including women human rights defenders, lawyers, medical workers, cultural workers, academics, teachers, students, children, persons belonging to national minorities, members of independent trade unions and strike committees, members of religious groups and individuals expressing dissenting opinions, among them those

* State not a member of the Human Rights Council.



peacefully expressing protest or speaking out against both the war of aggression by the Russian Federation against Ukraine and the support of Belarus for that aggression,

Alarmed by reports of continuing systematic and widespread acts of torture and other cruel, inhuman or degrading treatment or punishment of, and sexual- and gender-based violence against, individuals, including women, children and youth, detained and arrested by Belarusian authorities, the inhumane conditions and denial of timely and adequate medical services and independent legal assistance for those in detention centres and prisons,

Deploring the continuing lack of independence and impartiality of the judiciary, the denial of due process and violations of fair trial guarantees under international human rights law, such as the continued prolonged detention of persons without any opportunity to challenge the lawfulness of the detention and the lack of information about the charges brought against them, and deploring also the disproportionately and increasingly severe sentences for political prisoners, without upholding fair trial guarantees, including their right to a fair and public hearing, as well as the intimidation, arbitrary disciplinary measures against and disbarment of lawyers for providing services to those arrested and sentenced on politically motivated grounds,

Seriously concerned about ongoing oppressive restrictions on the rights to freedom of peaceful assembly, association and expression, both online and offline, resulting in the prosecution, harassment, intimidation, repression and forced exile of human rights defenders, civil society and independent media, including large-scale ordered closure or forced self-closure of civil society organizations and all independent trade unions, arbitrary decisions to cancel professional licences, the revocation of the accreditations of foreign media workers, the banning of independent media outlets, the blocking of independent media websites and Internet shutdowns, State-sponsored disinformation in Belarus, numerous raids on private houses and offices and crackdowns against the relatives of political prisoners as well as those who have left the country,

Noting with grave concern that, according to the High Commissioner and the Special Rapporteur on the situation of human rights in Belarus, some of the violations committed in Belarus may amount to crimes against humanity when committed as part of a widespread or systematic attack directed against the civilian population, with knowledge of the attack,

Reiterating serious concern at the ongoing use of legislation to restrict the rights to freedom of peaceful assembly, association, expression, religion or belief, both online and offline, and other human rights in violation of international human rights law, including the amendments to the Law on Mass Gatherings, the Law on Mass Media, the Law on the Bar and Legal Advocacy, the amendments to the Criminal Code, adopted in May and December 2021, May 2022 and March 2023, the Code of Administrative Offences adopted in January 2022, the amendments to the Constitution adopted in the referendum held on 27 February 2022, the amendments to the Law on Citizenship adopted in January 2023, the Presidential Decree adopted in September 2023 on procedures for the issuance of documents and the performance of certain actions and the law on amending laws on the activities of religious organizations adopted in December 2023,

Noting with deep concern the increased use of “terrorism-“ and “extremism-“ related legislation to intimidate, repress and prosecute organizations for expressing dissent and individuals for exercising their fundamental freedoms,

Deploring the continuing discrimination affecting women and girls and individuals in vulnerable situations, such as persons with disabilities, persons belonging to national or ethnic, linguistic and religious minorities and lesbian, gay, bisexual, transgender and intersex persons,

Expressing profound regret that the Belarusian authorities have not fulfilled their obligations with regard to the right of every citizen to vote and to be elected in free and fair periodic elections, carried out through transparent and inclusive processes, in accordance with the State’s obligations under article 25 (b) of the International Covenant on Civil and Political Rights, and noting with concern that the Belarusian authorities did not invite election observers from the Organization for Security and Cooperation in Europe to monitor the conduct of the 2024 parliamentary and local elections,

Expressing continued deep concern at the application of the death penalty in Belarus, especially in a context where fair trial guarantees are not upheld, and at the limited amount of relevant information with regard to its use, especially in the context of the amendments to the Criminal Code expanding the use of the death penalty, and taking into account that transparency is a requirement of fair and effective criminal justice,

Regretting the inadequate response and lack of cooperation by the Belarusian authorities to the requests made by the Human Rights Council in the above-mentioned resolutions and the recommendations made to the State by the High Commissioner, the Special Rapporteur on the situation of human rights in Belarus and other special procedure mandate holders and the treaty bodies, as well as to the recommendations in reports under the Moscow Mechanism of the Organization for Security and Cooperation in Europe,

Stressing the need for accountability for human rights violations and abuses, which is critical for the prevention of further violations and abuses and for the recognition of victims, guaranteeing that they have access to justice and effective remedy, including reparation, through restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, and notes in this respect the recommendations of the High Commissioner that Member States, in particular, maintain the human rights situation in Belarus under the review of the Human Rights Council and consider, as appropriate, other accountability mechanisms consistent with the practice of the Council,

1. *Welcomes* the reports of the Special Rapporteur on the situation of human rights in Belarus¹ and of the United Nations High Commissioner for Human Rights;²

2. *Strongly condemns* the widespread and systematic violations of international human rights law, among them arbitrary deprivation of the right to life and to liberty, with mass unlawful detentions and arrests of individuals on politically motivated grounds or for exercising their human rights, enforced disappearance, torture and other cruel, inhuman or degrading treatment or punishment, including sexual- and gender-based violence, denial of due process and the right to a fair trial, failure to safeguard the rights and the best interests of the child, violations of the right to education and work, arbitrary denial of the right to enter one's own country, violations of the rights to freedom of expression, peaceful assembly and association and to equal protection of the law, as well as other violations of human rights committed in Belarus, all as reported by the High Commissioner and the Special Rapporteur;

3. *Further condemns* the actions of the Belarusian authorities in committing an act of unlawful interference that deliberately endangered the safety and security of a commercial passenger aircraft and the lives of all those on board in May 2021, constituting a flagrant and serious violation of the Convention on International Civil Aviation, as confirmed by the International Civil Aviation Organization;³

4. *Strongly urges* the Belarusian authorities to comply fully with all their obligations under international human rights law and:

(a) To immediately and unconditionally release and effectively rehabilitate all those persons arbitrarily or unlawfully detained, arrested, charged or sentenced on politically motivated grounds or for exercising their human rights, to cease the use of force against peaceful demonstrators, of torture and other cruel, inhuman or degrading treatment or punishment, prosecution, harassment, intimidation, repression and forced exile of individuals, solely for exercising their human rights, and to ensure equal protection of and by the law;

(b) To ensure timely and adequate medical assistance and living conditions for all detained persons, and to guarantee their access to independent legal assistance of their choice and to legal protection throughout all proceedings;

(c) To ensure prompt, effective, thorough, transparent, independent, impartial and gender- and age-responsive investigations, addressing the full chain of command relevant to

¹ A/HRC/53/53.

² A/HRC/55/61.

³ International Civil Aviation Organization, *Doc 10184, Assembly Resolutions in Force (as of 7 October 2022)*, Assembly resolution A41-1.

individual criminal responsibility, with a view to ensuring accountability and effective remedy in all cases of human rights violations and abuses, including through restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition for victims and survivors, as appropriate;

(d) To take all measures necessary to ensure the full independence and impartiality of the judiciary and protection for and the independence of the legal profession, and to uphold due process and fair trial guarantees under international human rights law for all persons in order to restore and maintain the rule of law;

(e) To carry out a comprehensive review of national legislation to ensure that it is consistent with international human rights obligations and that it does not allow for arbitrary limitations or derogations, in contravention of international human rights law;

(f) To stop the misuse of “counter-terrorism” and “counter-extremism” policies and to ensure that all aspects of State national security practice, including when aimed at preventing and countering terrorism and violent extremism, comply with international human rights law and do not serve as a basis for prosecuting civil society representatives and individuals engaged in non-violent expression and advocacy of dissident opinion;

(g) To adopt comprehensive non-discrimination legislation and policies guaranteeing the right of everyone to equality before and by the law, including equal access to inclusive, equitable and non-discriminatory quality education, with the best interests of the child as a primary consideration;

(h) To revoke the decisions on the forced dissolution of civil society entities, to enter into a genuine, constructive, inclusive and transparent national dialogue with civil society and to create and maintain a safe enabling environment, both online and offline, in which civil society can operate free from arbitrary surveillance, hindrance and insecurity;

(i) To ensure an environment conducive to the functioning of genuinely independent media, both online and offline, including unhindered access to an open, interoperable, reliable and secure Internet;

(j) To implement a comprehensive reform of the electoral legal framework, aligning it with international standards, including following the recommendations made by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, the European Commission for Democracy through Law (the Venice Commission) and the Special Rapporteur and to enter into a genuine and inclusive national dialogue with all elements of civil society to that end;

(k) To stop and prevent violations and abuses of economic, social and cultural rights, to cease discrimination and arbitrary dismissal from employment and education and to uphold academic freedoms and the free functioning of trade unions and of cultural and representative organizations of persons in vulnerable situations in this context;

(l) To withdraw and prevent measures that undermine the enjoyment of any human rights, including of Belarusians living abroad, including the Presidential Decree adopted in September 2023 ordering the consulates of Belarus to stop renewing or extending their passports and limiting other consular services;

5. *Urges* the Belarusian authorities to relaunch a national dialogue on a moratorium on the death penalty and its eventual abolition;

6. *Calls upon* Belarus to consider re-acceding to the individual complaint procedure under the Optional Protocol to the International Covenant on Civil and Political Rights, as well as to re-accede to the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters;

7. *Decides* to extend the mandate of Special Rapporteur on the situation of human rights in Belarus for a period of one year, effective from the end of its fifty-sixth session, and requests the Special Rapporteur to continue to monitor developments and to make recommendations on ways to strengthen respect, protection and fulfilment of human rights in Belarus, to hold consultations with all stakeholders, including civil society inside and outside Belarus, and to submit a report on the situation of human rights in Belarus to the

Human Rights Council at its fifty-ninth session and to the General Assembly at its eightieth session, including in an easy-to-read version and in an accessible format;

8. *Also decides* to urgently establish, for a renewable period of one year, a group of three independent experts on the situation of human rights in Belarus, to be appointed by the President of the Human Rights Council;

9. *Further decides* that the group of experts will build on the work of and follow up on the findings in the reports of the Special Rapporteur and the reports of the United Nations High Commissioner for Human Rights, prepared with the assistance of experts appointed pursuant to Council resolution 46/20 of 24 March 2021 and special procedure mandate holders, by undertaking a mandate:

(a) To investigate and establish the facts, circumstances and root causes of all alleged human rights violations and abuses committed in Belarus since 1 May 2020, including their gender and age dimensions and their impact on victims and survivors;

(b) To collect, consolidate, preserve and analyse evidence of such violations and abuses and, where possible, to identify those responsible, in view of relevant judicial and other proceedings, including criminal proceedings in courts and tribunals that have competent jurisdiction;

(c) To make recommendations, in particular on accountability measures, with a view to ending impunity and addressing its root causes, ensuring accountability and access to justice and effective remedy, including reparation for victims;

(d) To engage with all relevant stakeholders, in particular Belarusian stakeholders, as well as with regional and international civil society, international human rights organizations, United Nations agencies, the Organization for Security and Cooperation in Europe and relevant companies and 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, and also to engage, where appropriate, with the Belarusian authorities to assist them in fulfilling their international human rights obligations;

10. *Commends* the High Commissioner and the Office of the United Nations High Commissioner for Human Rights, as well as the Special Rapporteur, for the work and activities undertaken to date, which have been conducted in a transparent, impartial and consultative manner, despite the continued lack of cooperation by the Belarusian authorities with the Office of the High Commissioner and the Special Rapporteur, including the lack of access to the country, also commends the assistance provided by the Special Rapporteur to the High Commissioner, and encourages the Special Rapporteur to cooperate with the group of experts, with a view to promoting synergy between the two mandates;

11. *Stresses* the importance of the information and evidence the Office of the High Commissioner has collected, consolidated, preserved and analysed in support of future accountability, and requests the Office to ensure that such information and evidence is made accessible to and usable by the group of experts, as appropriate;

12. *Requests* the group of experts to present an oral update to the Human Rights Council at its fifty-seventh session and a comprehensive report at its fifty-eighth session, including in an easy-to-read version and in an accessible format, both to be followed by an interactive dialogue;

13. *Urges* the Belarusian authorities to establish full and non-selective engagement with all United Nations human rights mechanisms, in particular with the Special Rapporteur and the group of experts, including by granting them all free, full and unhindered access to the country, providing them with the information necessary for the fulfilment of their mandates and implementing their recommendations, as well as with all thematic special procedures and the treaty bodies, to restore cooperation with and extend full and unhindered access to the Office of the High Commissioner and to refrain from all forms of intimidation and reprisals against persons and associations for their cooperation with those bodies;

14. *Requests* the immediate operationalization of the mandates, and also requests the Secretary-General and the Office of the High Commissioner to provide the Special

Rapporteur and the group of experts with all necessary assistance and adequate human, technical and financial resources to enable the effective fulfilment of their mandates.
