

# **Suggested recommendations for the review of Belarus at the UPR**

## **Technical assistance and cooperation with the Treaty Bodies and the Special Procedures system**

1. Provide periodic reviews to appropriate international treaty bodies in a timely manner; cooperate effectively with Special Procedures of the UN;
2. Introduce procedures into national legislation that are necessary for the effective implementation of views which the United Nations Human Rights Committee and other treaty bodies have adopted in respect of Belarus;
3. Invite thematic and country rapporteurs of the UN to Belarus for visit and examination of the situation in Belarus;
4. Extend a standing invitation to all Special Procedures;

## **Death penalty**

5. Accede to the Second Optional Protocol to the ICCPR and abolish the death penalty; introduce a moratorium on death penalty in short term as an interim measure before joining the Second Optional Protocol; prior to the abolishment of death penalty and introduction of the moratorium, introduce amendments to the Correctional Code guaranteeing that families of the convicted have an opportunity to say goodbye and bury the bodies in accordance with their family traditions;

## **Enforced Disappearances**

6. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance;
7. Take the necessary steps to fully and impartially investigate the disappearances of the well-known politicians Yury Zakharenka and Viktor Hanchar, a businessman Anatol Krasousky, and a journalist Dmitry Zavadsky); to prosecute the alleged perpetrators through an independent tribunal and, if found guilty, to ensure the punishment in accordance with the international obligations of Belarus;

## **Torture and other inhuman and degrading treatments**

8. Take effective legislative, administrative, legal, and other steps to prevent and investigate acts of torture;
9. Introduce criminal responsibility for any use of torture as a crime committed by state officials in accordance with the definition of Article 1 of the Convention against Torture;
10. Accede to the Optional Protocol to the Convention against Torture, create a national preventive mechanism of prevention of torture and use the opportunities of independent international monitoring bodies with the aim of creating an effective system to prevent torture;
11. Acknowledge the jurisdiction of the Committee against Torture to consider allegations of breach of obligations under the Convention against Torture (in accordance with articles 21, 22 of the Convention);
12. Ensure prompt, impartial, and full investigation into all allegations of torture and ill-treatment; suspend all officials under investigation from their office for the period of investigation into a complaint of torture;

## **Arbitrary detentions**

13. Establish a transparent procedure of implementation of public control over detention facilities, including the possibility to visit such facilities for human rights organisations;
14. Release all political opponents who are deprived of their liberty under politically motivated court decisions;
15. Eliminate the practice of arbitrary detentions;
16. Implement recommendations given by the Working Group on Arbitrary Detention to Belarus in 2004, and cooperate with it; carry on impartial, and full investigation into individuals who infringe the rights of citizens, especially in each case of arbitrary detention;

## **Civil society participation in the National plan of action**

17. Enhance the interaction of the State with human rights organisations, creating special Councils and working teams which the latter can take part in; introduce the inclusive development of the National human rights plan, which would include steps to monitor its implementation, and to involve civil society into the UPR process in accordance with best practices;
18. Create mechanisms of consultations between the government and civil society organisations, and expand the practice of discussion of the draft laws, that affect the civil society organisations, with the latter;

## **Justice and National Human Rights Institutions**

19. Establish the institution of the human rights commissioner/ombudsman in Belarus in accordance with the Paris principles;
20. Ensure the transfer of the penal system from the Ministry of Internal Affairs to the Ministry of Justice, making it the body responsible for the execution of punishment and resocialisation of convicts, and exempting it from crime detection;
21. Devolve all the functions, in terms of the selection, appointment, dismissal from office and disciplining of judges, from the executive bodies to the judges' self-governing bodies;
22. Secure the practice of appointment of judges for unlimited periods in the legislation, having the practice of appointment of judges for 5-year period eliminated;
23. Eliminate the practice of using the judicial system as a tool of persecution of dissidents;
24. Introduce the provisions into the legislation stating that administrative detention should be executed only when the decision of the court imposing such penalty has come into effect;
25. Bring the provision of the Code of Criminal Procedure on choosing a measure of restraint by the prosecuting authorities in line with Article 9 of the International Covenant on Civil and Political Rights;
26. Provide for the possibility in the national legislation of cassation of the decisions in the cases heard by the Supreme Court at first instance;
27. Enhance the independence of the Bar association, specifically to abolish the system of licensing of the lawyers activity by the Ministry of Justice, transferring the function of admittance to the profession to the lawyers' self-governing bodies; exclude the authority of the Ministry of Justice to regulate normatively and control the activity of the Bar association, and abolish the right of the Minister of Justice to initiate disciplinary proceedings against lawyers;

## **Freedom of expression and information and freedom of the press**

28. Adopt the law on personal data protection, introducing the definition of personal data in accordance with international standards, as well as necessary guarantees of protection of personal data while being transmitted; create an authorised state body responsible for the data flow control;
29. Carry out a reform of the mass media legislation in accordance with international standards, which provides equal opportunities for professional activities of journalists contributing to all mass media, including those who contribute to foreign mass media; simplify as much as possible registration of mass media; decriminalize defamation;
30. Abandon the practice of abuse when accrediting journalists in order to restrict access to information about the activity of state bodies;
31. Abandon the practice of making journalists liable for contribution to foreign mass media;
32. Abandon the practice of arbitrary detentions of journalists, including when they cover mass events;
33. Abandon the practice abuse of anti-extremism laws to restrict the freedom of speech;

## **Freedom of religion and belief**

34. Introduce amendments to the legislation in accordance with international standards on freedom of conscience and religion, including abolition of mandatory state registration of religious communities; abolish the requirement to obtain permit to carry out religious activities in the premises which are in lawful possession of religious organisations;
35. Enable the foreign nationals, lawfully residing in Belarus, to implement their right to freedom of religion in full, without obtaining additional permits;

## **Freedom of association**

36. Bring the mass event legislation in accordance with international standards on freedom of assembly, including abolition of the licensing principle of the conduct of meetings, and of requirement for the applicants of the event to pay for maintenance of a public order, cleaning of the territory, and medical service as an indispensable condition for carrying out the meeting;
37. Bring the legislation related to freedom of association in line with international standards, including by decriminalizing the organisation of and participation in activities of unregistered associations, and to lift the ban on activity of unregistered associations;
38. Simplify the registration procedure for political parties and other public associations and foundations;
39. Abolish the requirement for pre-registration of foreign funding by the authorities, as well as eliminate the exhaustive lists of purposes for which the foreign funding and funding from the Belarusian entities may be received, and provide tax incentives to donations made by the Belarusian business;

## **Discrimination and people with disabilities**

40. Adopt a special comprehensive anti-discrimination law, which would prohibit discrimination on a non-exhaustive list of grounds, and include effective mechanisms of ensuring equality and non-discrimination, as well as remedies at law in case of discrimination, in accordance with international standards;
41. Sign and ratify the Convention on the Rights of Persons with Disabilities, and Optional Protocol to the Convention on the Rights of Persons with Disabilities, and bring Belarusian legislation and practice of its application in accordance with the provisions of the Convention on the Rights of Persons with Disabilities;
42. Abandon the practice of politically-motivated expulsions of students and dismissals of teachers and professors;

## **Forced labour and right of workers**

43. Abolish medical working camps used for the compulsory isolation of alcohol and/or drug addicts being involved into forced labour;
44. Abolish all forms of forced labour, implementing bona fide recommendations of the committee on economic, social and cultural rights;
45. Ensure the right to a free choice of work activity and fair and safe work conditions, repealing the decree #9 of the president of the Republic of Belarus on additional measures for modernisation of the woodworking industry, and other normative acts which secure forced labour;
46. Change the practice of excessive use of short-term employment contracts, provide for appropriate guarantees to the workers against arbitrary refusals to extend such contracts, including those for political reasons;
47. Ensure the implementation, free of unlawful restrictions, of the right of workers to take part in trade unions;
48. Develop approaches to public administration, which will be founded on the priority of human rights; establish ideas of equality and nondiscrimination in practice, which will facilitate the development of human capital and building of effective economy.

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**The present recommendations are an abstract from a joint coalition report prepared and submitted by the following Belarusian NGOs:**

Assembly of Pro-Democratic NGOs of Belarus, <http://belngo.info/>

Barys Zvozkau Belarusian Human Rights House, [http://humanrightshouse.org/Members/Belarus\\_BY/index.html](http://humanrightshouse.org/Members/Belarus_BY/index.html)

Belarusian Association of Journalists, <http://baj.by/>

Belarusian Documentation Centre

Belarusian Helsinki Committee, <http://belhelcom.org/>

Human Rights Centre “Viasna”, <http://spring96.org/>

Initiative FORB partnership on expertise and law, <http://forb.by/>

Legal Initiative NGO

Legal Transformation Center (Lawtrend), <http://www.lawtrend.org/>

Office for the Rights of Persons with Disabilities, <http://www.disright.org/>

Salidarnasc (Solidarity) Committee, <http://www.salidarnasc.org/>