



July 2020

To Permanent Representatives of Member and Observer States of the UN Human Rights Council:

Excellency,

The 44th session of the Human Rights Council is considering the renewal of the mandate of Special Rapporteur on the human rights situation in Belarus. We, the undersigned international human rights organisations, urge your Delegation to support this renewal while maintaining scrutiny on the human rights situation in Belarus. Belarusian civil society is calling for such attention by Member and Observer States of the Human Rights Council and we join them in this call.

The recent crackdown on human rights defenders, journalists and members of the political opposition over the last couple of months ahead of the Presidential election in August provides a clear justification for renewing the Special Procedures mandate. We provide some key updates on the human rights situation in our background note, below. **In addition to supporting the renewal of the mandate, we also urge your Delegation to insist that Belarus:**

- **Ends the human rights violations documented below, and ensures full respect and enjoyment of human rights in this critical electoral period and beyond;**
- **Ensures there is no continuation of nor increase in human rights violations in the period around the upcoming Presidential election and to that end opens lines of communication with civil society;**
- **Cooperates fully with UN human rights mechanisms, including inviting the Special Rapporteur to visit Belarus, and takes concrete steps toward implementing the recommendations of the Special Rapporteur and other UN mechanisms, including the Human Rights Committee;**
- **Ends the harassment and intimidation of independent journalists, human rights defenders, political activists and any other government critics, including by stopping arbitrary arrests and politically motivated criminal prosecutions, and registering independent human rights organisations and other NGOs that apply for registration;**
- **Commits to bringing Belarus laws in line with its international human rights law obligations, including on the rights to freedom of expression, association and peaceful assembly, and ending politically motivated prosecutions;**
- **Introduces a moratorium on executions with a view to full abolition of the death penalty.**

Positive signs from Belarus should be encouraged, including its willingness to follow-up reviews by Treaty Bodies with direct engagement with civil society on the implementation of Treaty Body recommendations. Belarus can also be encouraged to more systematically, effectively and meaningfully, engage with civil society, including in the development of a new national human rights action plan, which will likely be drafted after Belarus' Universal Periodic Review, due to take place on 2 November 2020. However, the Human Rights Council should also be clear that dialogue alone is not sufficient, and that Belarus' many systemic human rights challenges need to be addressed with unambiguous and systemic action.

Members of the UN Human Rights Council should fulfil their commitment to ensuring basic human rights standards and protections in Belarus by renewing the mandate of the Special Rapporteur until there is demonstrable evidence that Belarus is meeting its commitments, as highlighted above.

We thank you for your attention and would welcome opportunities to provide any further information about the human rights situation in Belarus.

Please accept, Excellency, the assurances of our highest consideration,

Amnesty International
Civil Rights Defenders
Human Rights House Foundation (HRRF)
Human Rights Watch
International Federation for Human Rights (FIDH)

Key updates on Belarus

2020 crackdown: civil society, journalists and political opposition

As has happened systematically during electoral periods in the past, and with the Presidential election only one month away, an atmosphere of fear and intimidation prevails in Belarus, and conditions for a free and fair expression of opinions and political views do not exist at present. In May and June, up to 200 individuals, including human rights defenders, journalists, bloggers, and political activists, were arbitrarily arrested for having expressed their views or for having participated in peaceful protests. In most cases, the authorities have used an overly restrictive legal framework and in particular Article 23.34 of the Code of Administrative Offences of Belarus (“violation of the procedure for holding a peaceful rally”) to penalise activists for mere participation in peaceful protests. The procedure does not meet international standards on the freedom of expression and peaceful assembly as enshrined in Articles 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR) ratified by Belarus in 1973.

Despite calls from Belarusian and international human rights organizations¹, the OSCE², the European Parliament³ and UN experts⁴, to end politically motivated criminal proceedings against blogger and activist Siarhey Tsikhanousky, after he announced his intention to run for the presidency, these have continued. So have politically motivated criminal proceedings against other politically active individuals in Belarus. Two other candidates for the presidency - Viktor Babaryka and Sviatlana Tsikhanouskaya - were subjected to harassment and other reprisals, and the latter had to consider pulling out of the election due to the fear of grave personal consequences. Election campaign observers report “abuse of administrative resources in collecting signatures in support of Lukashenka at enterprises and educational institutions” and note that the registration process in place is conceived to filter out the opposition⁵.

2020 crackdown: Free media & journalists covering the COVID-19 pandemic

The authorities have targeted free media, including by putting pressure on independent journalists via warnings and unjustified fines. The clampdown on free media has only increased in light of the COVID-19 pandemic during which numerous reports have surfaced of the authorities’ withholding important information related to COVID-19 from independent media and the public. Thus, health

1 <https://elections2020.spring96.org/en/news/97543>,
<https://www.amnesty.org/en/documents/eur49/2620/2020/en/>

2 <https://www.oscepa.org/news-a-media/press-releases/2020/osce-pa-human-rights-leaders-call-for-open-campaign-in-advance-of-presidential-election-in-belarus>

3 https://www.europarl.europa.eu/cmsdata/207948/Robert%20BIEDRON%20&%20Petras%20AUSTREVICIUS_Joint%20statement_crackdown%20on%20opposition%20and%20civil%20society%20before%20the%20Presidential%20election.pdf

4 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25932&LangID=E>

5 Observation of the Presidential election is carried out by the Belarusian Helsinki Committee and the Human Rights Center “Viasna” in the framework of the campaign “Human Rights Defenders for Free Elections”, for details please see: <http://spring96.org/en/news/97304>

care professionals are afraid to give comments to independent media, and often choose to remain silent or, at best, remain anonymous. Those who argued that the mass in person gathering for the annual Victory Day parade on 9 May 2020 put the public's health at risk, and protested against holding it, faced harassment, arbitrary arrests and detention.

2020 crackdown: Human rights lawyers

Lawyers acting as defence counsel in cases considered politically sensitive are also subjected to retaliatory measures, such as summons by the Ministry of Justice to appear before a commission to verify their qualifications, which can lead to their expulsion, on the grounds of changes to the legal framework that have gradually placed Belarusian bars, and lawyers themselves, under the direct authority of the Ministry of Justice.

Ongoing freedom of assembly and association issues

Although the authorities decriminalized involvement in "unregistered" non-governmental organisations (NGOs) such involvement is still an administrative offence. Legislative and systemic restrictions on the rights to freedom of expression, peaceful assembly and association largely remain in place, and violations of civil and political rights are coupled by economic and social rights' violations.

Belarusian civil society organizations have documented that the authorities are turning a blind eye to violations of environmental rights of Belarus citizens and suppressing peaceful environmental protest movements related to the construction of a battery plant in Brest and a bleached-pulp factory in Svetlahorsk. The Belarus police harass and persecute with administrative charges environmental activists and human rights defenders protesting against the construction of environmentally hazardous sites.

The death penalty

On the issue of the death penalty, the government of Belarus has not shown good-faith willingness to cooperate with international human rights mechanisms and continues to issue death sentences and execute prisoners in violation of international standards. The many requests of the Human Rights Committee to suspend executions continue to be ignored and the rights of persons sentenced to death continue to be violated at all stages of the proceedings and during detention.

Cooperation with the Special Rapporteur and other mechanisms

Belarus still refuses to cooperate with the mandate. The legislative and policy environment and practices that gave rise to widespread human rights violations in Belarus, and originally led to the Human Rights Council creating the mandate, for the most part remain in place. When widespread violations occur with impunity in Belarus, there is no recourse to justice at a regional level as Belarus is not a member of the Council of Europe.

Yet, the Special Rapporteur is an important mechanism for Belarusian civil society amongst others, not only as a means for reporting human rights violations but also for the preventive role that the mechanism plays, with Belarus knowing that its actions are being monitored and reported on at an international level. Such attention is being called for by Belarusian civil society at the moment. The upcoming Presidential election in Belarus, combined with the challenges facing the country as a result of the COVID-19 pandemic, is already providing a pretext for a spike in human rights violations against members of civil society. As many will remember, it was the spike in violations that took place directly following the 2010 Presidential election that led to the creation of the current mandate.