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**Human Rights Council****Fifty-third session**

19 June–14 July 2023

Agenda item 4

**Human rights situations that require the Council's attention****Resolution adopted by the Human Rights Council on 13 July 2023****53/19. 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 and the Human Rights Council on the situation of human rights in Belarus, including Council resolutions 47/19 of 13 July 2021, 49/26 of 1 April 2022, 50/20 of 8 July 2022 and 52/29 of 4 April 2023, and recalling also the statements made by the United Nations High Commissioner for Human Rights, the Office of the Secretary-General and the special procedures of the Human Rights Council on the deteriorating situation of human rights in Belarus,

*Recalling also* the report of the rapporteur of the Organization for Security and Cooperation in Europe, appointed under the Moscow Mechanism, which was invoked with regard to credible reports of human rights violations and abuses before, during and after the presidential election of 9 August 2020 in Belarus, and the recommendations contained therein, the subsequent invocation of the Vienna Mechanism on 4 November 2021 in relation to serious human rights violations and abuses in Belarus, and the invocation of the Moscow Mechanism on 23 March 2023 with the mandate to examine “threats to the fulfilment of the provisions of the human dimension posed by human rights violations and abuses in the Republic of Belarus”, and the subsequent report of the rapporteur published on 11 May 2023, and the recommendations contained therein,

*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, including on access, and to the recommendations made by the Special Rapporteur on the situation of human rights in Belarus and other special procedure mandate holders to the State,

*Recalling* Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in Belarus;<sup>1</sup>

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<sup>1</sup> A/HRC/53/53.



2. *Expresses deep concern* about the continuing systematic violations of human rights and fundamental freedoms in Belarus, in particular the ongoing oppressive restrictions on the rights to freedom of peaceful assembly, association and expression, both online and offline, resulting in the harassment, intimidation, repression and forced exile of civil society and independent media, and the continuously increasing number of arbitrary detentions and arrests, including those involving incommunicado detention, of individuals on politically motivated grounds or for exercising their human rights, including fundamental freedoms of journalists and other media workers, environmental and human rights defenders, among them women human rights defenders, medical workers, lawyers, cultural workers, teachers, students, persons belonging to national minorities, individuals expressing dissenting opinions, members of trade unions and strike committees, and other members of civil society;

3. *Strongly condemns* the widespread and systematic violations of international human rights law reported by the United Nations High Commissioner for Human Rights<sup>2</sup> and the Special Rapporteur,<sup>3</sup> including arbitrary deprivation of the right to life and to liberty, and the continued systematic and widespread torture and other cruel, inhuman or degrading treatment and punishment of and sexual and gender-based violence against individuals, including children and youth, detained and arrested in Belarus by the State authorities, inhumane detention conditions and the denial of timely and adequate medical services and legal assistance in detention centres and prisons, as well as the denial of the right to a fair trial, and the failure of the Belarusian authorities to conduct prompt, effective, thorough, transparent and impartial investigations into all the aforementioned human rights violations, and notes with grave concern that, according to the High Commissioner, some of those violations may amount to crimes against humanity when such acts are committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack;<sup>4</sup>

4. *Expresses deep concern* about the reported repression of persons exercising their right to freedom of expression and opinion by speaking out against the aggression by the Russian Federation against Ukraine and the support of Belarus for that aggression, and at the repression of individuals' freedom to seek, receive and impart information, including regarding the State's use of territory and infrastructure to enable the aggression by the Russian Federation, and urges the Belarusian authorities 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;

5. *Deplores* the lack of independence of the judiciary and other violations of fair trial rights that have led to unjust criminal prosecution, conviction and sentencing of human rights defenders in Belarus for their legitimate human rights work, as well as the intimidation and disbarment of independent lawyers for providing services to the political opposition, human rights defenders and/or others arrested for politically motivated reasons;

6. *Notes with deep concern* the increasingly restrictive legal framework that further restricts the right to freedoms of opinion and expression and of peaceful assembly, online and offline, in violation of international human rights law or that leads to violations of other human rights, including the right to nationality and the right to own property, and especially targeting pro-democracy activists, peaceful protesters against the aggression by the Russian Federation against Ukraine, civil society actors, environmental and human rights defenders, including women human rights defenders, lawyers, independent media, journalists and other media workers, but also other individuals, including children, in particular the recent amendments to the Law on Mass Gatherings, the Law on Mass Media, the Law on Countering Extremism and the Law on the Bar and Legal Advocacy, the amendments to the Criminal Code, adopted in May and December 2021, criminalizing engagement in the activities of dissolved civil society entities or involvement in activities of non-registered organizations, the new Code of Administrative Offences adopted in January 2022, the amendments to the Criminal Code adopted in May 2022 and March 2023 expanding the use of the death penalty with the intent of repressing further the exercise of human rights in

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<sup>2</sup> See A/HRC/52/68.

<sup>3</sup> See A/HRC/47/49.

<sup>4</sup> A/HRC/52/68, para. 54.

violation of international law, the amendments adopted in January 2023 to the Law on Citizenship allowing the revocation of citizenship of exiled Belarusians on politically motivated grounds, and particular amendments to the Constitution adopted in the referendum held on 27 February 2022;

7. *Strongly urges* the Belarusian authorities to fully respect, protect and fulfil all human rights in accordance with their obligations under international human rights law, including those under the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child;

8. *Urges* Belarus to consider re-acceding to the individual complaint procedure under the Optional Protocol to the International Covenant on Civil and Political Rights;

9. *Demands* in this respect the immediate and unconditional release of all persons arbitrarily or unlawfully detained in Belarus, and also demands that the Belarusian authorities immediately cease the criminal or administrative prosecution, harassment, intimidation and repression of all individuals solely for exercising their human rights and fundamental freedoms and ensure equal protection of and by the law;

10. *Also demands* prompt, effective, thorough, transparent, independent and impartial investigations with a view to ensuring accountability in all cases of alleged human rights violations and abuses, especially those involving deaths, enforced disappearances, arbitrary detentions, torture and ill-treatment, including acts of sexual and gender-based violence, while ensuring that investigations of such crimes are gender- and age-responsive and that they address the full chain of command relevant to individual criminal responsibility, and that such accountability measures are comprehensive, covering also restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition for victims and survivors, as appropriate;

11. *Again strongly urges* the Belarusian authorities to take all measures necessary to ensure the full independence and impartiality of the judiciary and the independence and protection of the legal profession, to guarantee the rights of all persons to due process and a fair trial, including the right to an effective review of sentences and convictions by a higher tribunal, to legal counsel of one's choosing, adequate time and facilities to prepare one's defence, and other legal protection throughout all proceedings, including for those accused of administrative or criminal offences, and regrets the lack of progress in this context;

12. *Calls upon* Belarus to stop and prevent violations and abuses of economic, social and cultural rights, and to cease discrimination and arbitrary dismissal from employment and studies, and to uphold academic freedoms and the free functioning of trade unions, cultural and representative organizations of persons in vulnerable situations in this context, and urges the Belarusian authorities to implement the recommendations of the Committee on Economic, Social and Cultural Rights;

13. *Welcomes* the assistance of the Special Rapporteur on the situation of human rights in Belarus to the United Nations High Commissioner for Human Rights within her mandate pursuant to Human Rights Council resolution 49/26, and also welcomes the report of the High Commissioner on the situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath;<sup>5</sup>

14. *Reiterates* its call upon the Belarusian authorities to carry out a comprehensive review of relevant legislation, policies, strategies and practices to ensure that the provisions are clearly defined, consistent with international human rights obligations and are not used to impede or unduly restrict the exercise of any human right, and to invest in capacity-building and appropriate training of the judiciary and law enforcement agencies;

15. *Strongly encourages* Belarus to implement the comprehensive reform of the electoral legal framework and to address long-standing systemic shortcomings pertaining to the electoral legal framework and practices, following the recommendations made by the

<sup>5</sup> A/HRC/52/68.

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, while noting with concern the lack of transparency and inclusiveness also in the process of the constitutional referendum held on 27 February 2022;

16. *Deplores* the continuing discrimination affecting women and girls and individuals in vulnerable situations, including lesbian, gay, bisexual, trans and intersex persons, persons with disabilities, and persons belonging to national or ethnic, linguistic and religious minorities, while noting the amendment to the Constitution on the rights of persons with disabilities;

17. *Again urges* the Belarusian authorities to adopt a comprehensive non-discrimination policy and legislation guaranteeing equal rights for all in law and in practice, including equal access to inclusive, equitable and non-discriminatory quality education, and, stressing the need for the best interests of the child to be a primary consideration, also urges the Belarusian authorities to implement all recommendations of the Committee on the Rights of the Child and of the Committee against Torture regarding juvenile justice, while noting that a few measures to prevent discrimination have already been implemented in Belarus;

18. *Calls upon* the Belarusian authorities 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 develop and implement, without delay, in close cooperation with civil society, a new plan on human rights, taking into consideration the recommendations accepted by the State in the context of the third universal periodic review, and the recommendations made by the treaty bodies, human rights mechanisms and 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;

19. *Again strongly encourages* the Belarusian authorities to establish a national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

20. *Expresses deep concern* at the use of the death penalty in a context where fair trial guarantees are not respected, and at the limited amount of relevant information with regard to its use, especially in the context of the amendments to the Criminal Code adopted in May 2022 and March 2023 expanding the use of the death penalty, and taking into account that transparency is a requirement of fair and effective criminal justice, welcomes the continued attention paid by the Special Rapporteur to the issue of the death penalty in Belarus, requests her to continue to monitor developments and to make recommendations, and encourages Belarus to relaunch a national dialogue on a moratorium on the death penalty and to study its abolition;

21. *Decides* to extend the mandate of Special Rapporteur on the situation of human rights in Belarus for a period of one year, and requests the Special Rapporteur to continue to monitor developments and to make recommendations, and to submit a report on the situation of human rights in Belarus to the Human Rights Council at its fifty-sixth session and to the General Assembly at its seventy-ninth session;

22. *Urges* the Belarusian authorities to cooperate fully with the Special Rapporteur, including by allowing her access to visit the country and to meet freely with relevant stakeholders, including civil society, in her official capacity in order to assist the Belarusian authorities in fulfilling its international human rights obligations and by considering the implementation of her recommendations, and also urges the Belarusian authorities to extend full cooperation to thematic special procedures and to the Office of the United Nations High Commissioner for Human Rights;

23. *Requests* the Office of the High Commissioner to provide the Special Rapporteur with the assistance and resources necessary to enable her to fulfil her mandate in its entirety.

*35th meeting  
13 July 2023*

[Adopted by a recorded vote of 20 to 6, with 21 abstentions. The voting was as follows:

*In favour:*

Argentina, Belgium, Benin, Chile, Costa Rica, Czechia, Finland, France, Gambia, Germany, Lithuania, Luxembourg, Malawi, Mexico, Montenegro, Paraguay, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

*Against:*

Bolivia (Plurinational State of), China, Cuba, Eritrea, Kazakhstan and Viet Nam

*Abstaining:*

Algeria, Bangladesh, Cameroon, Côte d'Ivoire, Gabon, Georgia, Honduras, India, Kyrgyzstan, Malaysia, Maldives, Morocco, Nepal, Pakistan, Qatar, Senegal, Somalia, South Africa, Sudan, United Arab Emirates and Uzbekistan]

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