

Human Rights Council
Seventeenth session

Item 4

17/..

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,

Bearing in mind paragraph 3 of General Assembly resolution 60/251 of 15 March 2006,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil their international obligations,

Mindful that Belarus is a party to the International Covenant on Civil and Political Rights and the Optional Protocols thereto, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, 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 and the Optional Protocol thereto, and the Convention on the Rights of the Child and the Optional Protocols thereto,

Taking note of the participation by the Government of Belarus in the universal periodic review in May 2010 as the State under review, acknowledging in this regard its support to a high number of recommendations, and stressing the need for their full implementation in cooperation with the Office of the High Commissioner for Human Rights,

Concerned about the 19 December 2010 presidential elections in Belarus that were marked by a lack of independence and impartiality of the election administration, an uneven playing field and a restrictive media environment, as well as a continuous lack of transparency at key stages of the electoral process,

Deeply concerned at the overall human rights situation in Belarus and its severe deterioration since the 19 December 2010 presidential elections, including credible allegations of torture, arbitrary detentions and increasing harassment of opposition leaders, representatives of civil society, human rights defenders, lawyers, independent media, students and those defending them,

Expressing its support for regional and subregional efforts, including the Organization for Security and Co-operation in Europe (OSCE), aimed at improving the human rights situation in Belarus, and *deeply regretting* the decision of Belarus not to extend the mandate of the OSCE Office in Minsk and the failure of the Government of Belarus to cooperate with the OSCE Moscow Mechanism,

1. *Condemns* the human rights violations occurring before, during and in the aftermath of the 19 December 2010 presidential elections, including the use of violence against, arbitrary arrest, detention and the politically motivated conviction of opposition candidates, their

supporters, journalists and human rights defenders, as well as the abuses of due process rights, including the right to a fair trial for those involved in the 19 December demonstrations;

2. *Urges* the Government of Belarus to:

- a) end politically motivated persecution and harassment of opposition leaders, representatives of civil society, human rights defenders, lawyers, independent media, students and those defending them;
- b) comply with international standards for due process and fair trial;
- c) release and rehabilitate all political prisoners, including those detained in connection with the 19 December 2010 demonstrations;
- d) conduct a thorough, credible, impartial and transparent investigation into allegations of disproportionate use of force and violations of human rights, including the use of torture and ill-treatment of detainees, in connection with the events of 19 December 2010;
- e) respect freedom of expression and freedom of association and peaceful assembly, and bring its relevant legislation in line with its international obligations under human rights law;
- f) implement its OSCE commitments, as well as allow a meaningful presence of the OSCE in Belarus;
- g) allow international monitors and cease the detention and expulsion of international monitors from the country;

3. *Requests* the United Nations High Commissioner for Human Rights to monitor the human rights situation in Belarus and to present to the Human Rights Council in an interactive dialogue at its 18th session an oral report in respect of it, including on alleged human rights violations committed in Belarus following the 19 December 2010 presidential election;

4. *Further requests* the United Nations High Commissioner for Human Rights to present to the Human Rights Council in an interactive dialogue at its 20th session a comprehensive report on the human rights situation in Belarus;

5. *Encourages* relevant thematic special procedures mandate holders, in particular the Special Rapporteurs on Freedom of Opinion and Expression, on Human Rights Defenders, on the Independence of Judges and Lawyers, on Torture, on the Rights to Freedom of Peaceful Assembly and of Association, on Enforced Disappearances as well as the Working Group on Arbitrary Detention, within their respective mandates, to pay particular attention to the human rights situation in Belarus and to contribute to the report of the High Commissioner with recommendations on how to redress the human rights situation in Belarus to be presented at the 20th session of the Human Rights Council;

6. *Calls upon* the Government of Belarus to cooperate fully with all the mechanisms of the Human Rights Council, with the Office of the High Commissioner for Human Rights and with the human rights treaty bodies and to permit access to visit the country as well as provide all the necessary information;

7. *Decides*, on the basis of the report of the United Nations High Commissioner for Human Rights presented at the 20th session of the Human Rights Council, to consider further appropriate steps to be taken.