

**CIVIL SOCIETY RECOMMENDATIONS
FOR THE UNIVERSAL PERIODIC REVIEW
OF BELARUS**

October 2020

1. Recommendations related to the election campaign and post-electoral crisis

- a. Allow for the conduct of credible, transparent, independent and impartial **investigations into human rights violations and abuses** committed in the lead-up to, during and after the 2020 presidential election, including cases of arbitrary deprivation of life, enforced disappearances, arbitrary detention, torture and ill-treatment, and excessive use of force against peaceful demonstrators, with a view to ensuring access to justice and redress for victims and to holding perpetrators fully accountable.
- b. With the participation of human rights defenders, civil society organizations and other interested persons **establish a Parliamentary Commission to investigate events that took place from 9th to 12th of August**, in order to provide an objective assessment of violence, torture and ill treatment, and excessive use of force by security forces against civilians who exercised their right to peaceful assembly and freedom of expression.
- c. **Put an immediate end to intimidation**, harassment, including judicial harassment, criminalization and use of force **against individuals, organizations and businesses critical of the government**, including human rights defenders, human rights lawyers, journalists, bloggers, media workers and trade unionists, for exercising their rights to freedom of expression, assembly and association.
- d. Immediately and unconditionally **release all political prisoners, detained on unlawful grounds**, including lawyers Lilia Vlasova, Maxim Znak and Iliya Saley, and provide them with full rehabilitation.
- e. **Stop harassing and intimidating members of independent trade unions and strike committees**, in particular by eliminating the practice of dismissing strike Committee leaders and trade Union activists, and expand the legal capacity to register trade Union structures and declare strikes.

2. General measures in the field of human rights

- a. **Strengthen cooperation with civil society** on protection and promotion of human rights, provide an institutional framework for cooperation with human rights organisations.
- b. With broad participation of civil society, develop and **adopt a National Action Plan on Human Rights** including progress indicators.
- c. Create **a national human rights institution in accordance with the Paris Principles**.
- d. Take all measures necessary for the effective and efficient **implementation of the Views of UN treaty bodies** adopted in relation to Belarus.

3. Right to life

- a. Join the Second Optional Protocol to the ICCPR and **abolish the death penalty**. As an interim measure, establish a moratorium on executions as soon as possible until accession to the Second Optional Protocol.
- b. Carry out a full and effective **investigation of politically motivated disappearances** of Yury Zakharanka, Viktor Hanchar, Anatol Krasouski, and Dzmitry Zavadski.

4. Prohibition of torture

- a. Amend the Criminal Code with a special article providing for **liability for all kinds of torture** in line with the provisions of the Convention against torture.
- b. Join the Optional Protocol to the Convention against torture and **establish the National Preventive Mechanism** in accordance with the Protocol.
- c. **Establish an independent and effective mechanism for receiving complaints** submitted by victims of torture and ill-treatment to the State authorities, and ensure prompt, impartial and comprehensive investigation of all complaints. Ensure the suspension of duty of all officials subjects to criminal procedure during the inspection (investigation) of the statement on the facts of torture.

5. Independence of the judiciary and legal profession

- a. Delegate the responsibilities of **selection, appointment, dismissal and disciplining of judges** from the executive authorities, including the President, **to judicial self-government bodies**.
- b. Expand the practice of indefinite appointment of judges by making appropriate changes to the law.
- c. Strengthen **the role of the Constitutional Court in protecting constitutional rights and freedoms**, including providing citizens with the right to directly appeal to the Constitutional Court with individual complaints.
- d. Ensure **independence of the bar associations** in accordance with international standards, *inter alia* eliminate excessive control over the bar associations by the Ministry of Justice and give wider authority to the self-managed bar associations' bodies.

6. Freedom of speech, freedom of media, access to information

- a. **Halt the practice by the Ministry of Information of interfering with media activities**, *inter alia* abolish the permit-based procedure for registration of print and online media, as well as extrajudicial blocking of access to Internet-based resources.
- b. **Allow foreign journalists' activities without an accreditation**, and provide a possibility to appeal

refusal of accreditation in court.

- c. Adopt a Law permitting **access to information about the activities of the governmental bodies.**
- d. Decriminalize defamation.**
- e. End the practice of limitation or shutdown of the Internet during mass events. Restore an access to online mass media and web pages that were previously blocked.
- f. Put an immediate end to the disinformation campaign aiming at discrediting peaceful protesters, journalists, media workers, civil society actors and political opposition leaders and activists, including the practice of inflammatory language by high level officials, and of intimidation and defamation in the state media, in particular for receiving assistance from abroad.

7. Religious freedom

- a. Abolish the mandatory state registration of religious organizations.**
- b. Abolish the obligation to obtain a permit for holding religious events in premises and places provided to religious organizations or owned by them.

8. Freedom of assembly

- a. Bring the legislation on mass events in line with international standards, including by eliminating the need to seek for the authorisation for a peaceful assembly. **Establish the notification-based principle for all peaceful assemblies** and adopt a simplified procedure for spontaneous peaceful assemblies and counter-demonstrations.
- b. Waive the requirement for organizers of peaceful assembly to cover the expenses for the maintenance of public order, medical care and cleaning in the course of a peaceful assembly.

9. Freedom of association

- a. Bring legislation and practice in the field of freedom of association in line with international standards, including by **eliminating the liability for organizing and participating in the activities of unregistered organizations, religious organizations or funds** (exclude Article 23.88 of the Code of administrative offences). Lifting the ban on such activities and other disproportionate restrictions, including discrimination and unequal treatment of various kinds of CSOs compared to commercial organisations.
- b. **Introduce the procedure for obtaining legal personality for public associations and foundations** based on notification principle which would respect the principle of presumption of legitimacy of organisations' goals. Abandon the practice of refusing the registration of civil society associations on artificial pretexts.
- c. Establish in law the possibility to place the legal address of all forms of non-profit organizations in

residential premises.

- d. **Lift the requirement to pre-register foreign donations** with government bodies and abolish restrictive lists of purposes for which foreign donations, as well as donations from Belarusian legal entities, can be received.
- e. **Abolish criminal and administrative liability for violating the procedure for receiving foreign and domestic grants (gratuitous assistance)**, that is, repeal Articles 23.23 and 23.24 of the Code of Administrative Offences, Article 369-2 of the Criminal code, and Article 23.84 of the Code of Administrative Offences.
- f. **Expand opportunities for CSOs to attract donations by providing tax incentives for donations from Belarusian entrepreneurs.**
- g. Develop a non-discriminatory and open State-based system for funding non-profit organizations on a competitive basis.
- h. **Expand legislative mechanisms for consultation between government bodies and CSOs, expand the practice of discussing draft laws with relevant CSOs.**
- i. Be guided by a risk-based approach and the real non-involvement of Belarusian NGOs in terrorist financing and money laundering activities in the development of legislation on NGO reporting on measures to prevent the financing of terrorism.
- j. Develop and implement a state policy for the development of the volunteer movement and charity, while avoiding the introduction of disproportionate restrictions and prohibitions on attracting volunteers and charitable activities for a wide range of NGOs and informal initiatives.

10. Equality and non-discrimination

- a. **Adopt comprehensive anti-discrimination legislation defining direct and indirect discrimination, as well as other forms of its manifestation.**
- b. Adopt laws establishing **liability for domestic violence**, including the Law on Domestic Violence.
- c. Create an effective mechanism for protection and prevention of discrimination, including mandatory anti-discrimination assessment of draft regulatory legal acts.
- d. Adopt a program for **social integration of Roma**, providing for positive actions to ensure their equality in different spheres of public life.
- e. Based on a comprehensive anti-discrimination law, **develop legislation on the Rights of Persons with Disabilities** driven by anti-discrimination and human rights approaches.
- f. Enshrine in legislation peremptory rules that ensure the requirements of the Convention on the Rights of Persons with Disabilities: non-discrimination, universal design, inclusive education, independent living.
- g. Introduce a “Deinstitutionalization” section in the form of a national strategy and action plan into the national plan for implementing the rules of the Convention on the Rights of Persons with Disabilities.

11. Elections

- a. Bring electoral legislation and its practical application in accordance with international standards on

free and democratic elections in particular by:

- i. Ensuring the pluralist principle of forming the election commissions at various levels;
- ii. Ensuring that any decisions of election commissions and other state bodies related to elections can be appealed in court, including judicial appeals against election results;
- iii. Legislating the provision ensuring a transparent counting of electors' voices;
- iv. Providing observers with unimpeded access to all electoral procedures.

12. Forced labour

- a. Eliminate in law and in practice all forms of forced labor.

Updated by the following human rights organizations in Belarus with assistance of the International Federation for Human Rights (FIDH):

- Republic Human Rights Public Association “Belarusian Helsinki Committee”, office@belhelcom.org, <https://www.belhelcom.org/>
- Human Rights Center “Viasna”, viasna@spring96.org, <http://spring96.org/>
- Legal Transformation Center “Lawtrend”, infolawtrend@gmail.com, <https://www.lawtrend.org>
- Public Association “Belarusian Association of Journalists”, press@baj.by, <https://baj.by/>
- Assembly of Pro-Democratic Non-governmental Organizations of Belarus, ngo@belngo.info, <http://belngo.info/>
- The Republican Public Organization “Legal Initiative”, lirngo@gmail.com, <http://www.legin.by>
- The Barys Zvozkau Belarusian Human Rights House, belarus@humanrightshouse.org, <https://humanrightshouse.org/human-rights-houses/belarus/>
- Expert Law Partnership "FORB Initiative", <https://forb.by/>
- Educational Institution “Office for the Rights of Persons with Disabilities”, info@disright.org, <http://www.disright.org/>
- The Belarusian Documentation Center, info@bydc.info, <https://bydc.info/>
- Institution “Advisory centre on contemporary international practices and their legal implementation “Human Constanta”, info@humanconstantaby.by, <https://humanconstantaby.by/>
- The Initiative Group “Identity and Law”, office@identitylaw.org, <http://identitylaw.org/>