**Remarks by Ms. Anaïs Marin, UN Special Rapporteur**

**on the situation of human rights in Belarus at online side-event organised by PEN International and Permanent Mission of Lithuania to the UN, Human Rights Council’s 50th session, 14 June 2022**

Excellencies,

Ladies and Gentlemen,

I am grateful for the opportunity to be here in my capacity as Special Rapporteur. Let me start by thanking the organisers for putting together this topical and timely event. Whereas the world’s attention is focused on the war in Ukraine, Belarus, I believe, deserves no lesser attention, given that the human rights situation there continues to deteriorate.

My report to the 50th session of the Human Rights Council is already public, and I will present it on 28 June 2022 at the Interactive Dialogue. Today, I can share with you the main highlights of my findings and recommendations concerning our topic for this event: freedom of expression and cultural rights.

Let me remind that, sadly, the implementation of my mandate continues to be limited due to the lack of cooperation and engagement of the Belarusian authorities. As in previous years, and despite repeated requests for *in situ* visits, the Government did not grant me access to the country. Therefore, I continued to rely on remote monitoring, based on testimonies from victims of human rights violations, on reports from reliable sources, notably from human rights defenders, as well as on other relevant sources of information, including publicly available official ones.

Building on this comprehensive analysis, I can objectively say that the situation has been going from bad to worse, notably as regards freedom of opinion and their expression.

The human rights situation in Belarus, which has long been unsatisfactory, further deteriorated in 2021, a trend which continues up to this day. The already repressive laws have been further tightened to prevent and punish any actual or perceived scrutiny of the government, and to repress debate, with a devastating impact on freedom of the media and cultural rights. Let me remind of three extremely worrying trends in the legislative field:

(1) Freedom of peaceful assembly has been further restricted. The Administrative Code establishes an authorisation process for assemblies, which is contrary to international human rights standards; new administrative provisions impose harsher fines and longer detention terms (up to 30 days) for the organisation of ‘unauthorised’ assemblies, or participation in them. Furthermore, criminal liability has been introduced for a repeated procedural violation, and if the organiser is acting in the name of an unregistered organisation. This prevents gatherings – not only of peaceful protesters who oppose the government, which since the fall of 2020 have moved online mostly, due to the harsh repression with which they were met throughout 2020. In fact, restrictions target cultural events as well, including one-person performances, and they keep expanding into the virtual sphere of the Internet too, where the simple fact of announcing an event before it has been formally authorised exposes to liability.

(2) Freedom of opinion and expression have been further curtailed by harshening the criminalisation of defamation or insult of the country, government officials or the President, which carries a sentence of up to five years in prison. This is not only contrary to international human rights standards (Any criminal penalties or excessive civil penalties for defamation are generally inconsistent with article 19 of the International Covenant on Civil and Political Rights). It also has a chilling effect on media freedoms, academic freedoms, and cultural rights. In fact, over the past two years, dozens of journalists, bloggers, writers, musicians and artists have faced intimidation, threats and repression up to criminal prosecution, in what appears as a witch hunt meant to silence or force into exile all possible dissenters.

(3) A third worrying trend is the significant expansion of the law on countering extremism which now covers a wide range of non-specific terms and vaguely defined acts, allowing for a broad interpretation of what can be deemed as extremist material. The creators, organizers and members of groups labelled as “extremist” can face up to 7 years in prison. By now, most independent Belarusian media outlets (29) are considered "extremist", as compared to only one before the 2020 presidential election. The list also includes 588 social media channels and blogs – they were only a dozen two years ago. This is severely limiting the distribution of material related to culture as well; unduly interfering with the legitimate exercise of the right to freedom of opinion.

Excellencies,

The year 2021 and the first half of 2022 were marked by an unprecedented wave of persecution of journalists and media workers, and the virtual annihilation of independent media, as part of a wider crackdown which appears to be geared towards purging civil society from all the elements which are not to the authorities’ liking. More than 60 media representatives have faced criminal prosecution and 28 remain in pre-trial detention or are serving long jail sentences, according to the Belarus Association of Journalists – itself forced to dissolve last year. Editorial offices had to close or move abroad, while close to 400 non-governmental organisations have been forced to dissolve, and participation in the activities of non-registered or forcedly dissolved organisations has become criminalised. As a result, the country has lost at least 98 organizations directly related to the sphere of culture, according to PEN Belarus.

Lastly, I must underline that impunity for human rights violations continue to prevail in Belarus, which illustrates the necessity for the international community, and for my mandate, to continue supporting the OHCHR accountability mechanism established under the mandate of the High Commissioner. As torture and ill-treatment reportedly continue on a systematic basis in places of detention in Belarus, I hope that the mechanism will contribute to accountability for perpetrators and granting justice to the victims.

Meanwhile, the need remains to protect victims and witnesses, and their relatives, whether in Belarus or abroad – since as a result of repression or intimidation hundreds of thousands of Belarusians have been forced to seek refuge abroad over the past 2 years, which will actually be the focus of my forthcoming report to the General Assembly. The continuous crackdown on civil society, which I document in my 2022 report to the Human Rights Council, has justified the decision to name as few sources as possible – to avoid exposing our sources to the risk of reprisals.

Ladies and gentlemen,

In spite of widespread international condemnation, the Government of Belarus has continued its policy of systemic and systematic reprisals against human rights defenders, journalists and media workers, writers and cultural workers, and other members of the civil society who are active in the civic space. Such actions prevent their meaningful participation in public life, the sharing of information on matters of public concern and, hence, impair on freedom of expression and the realisation of rights to culture.

It is therefore of utmost importance that UN Member States adopt a principled, coordinated and consistent approach oriented towards enhancing the protection and promotion of human rights, preserving and strengthening the civic space, and re-establishing the rule of law in Belarus. I am convinced that the attention to the situation of human rights in Belarus needs to be maintained, notwithstanding the focus on the war in Ukraine and its regional and global consequences. I hope that my reports will support United Nations Member States in reassessing their engagement with the authorities of Belarus in the current context.

Given the extent and scale of continuing human rights challenges in Belarus, the mandate of Special Rapporteur remains critical for independent monitoring and reporting on the situation. I will continue to engage with and support the efforts of civil society and human rights organizations, as well as the Office of the High Commissioner for Human Rights, to enhance respect for and protection of human rights in Belarus until tangible progress in the area of human rights is achieved.

Thank you for your attention.