



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

17 May 2021

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Republic of Belarus and welcome the constructive engagement of your Government during the 36th session of the UPR Working Group in November 2020.

As the final outcome report on the review of Belarus has been recently adopted by the Human Rights Council at its 46th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Belarus – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 92 delegations and the presentation made and responses provided by the delegation of Belarus. I have also considered the actions taken by the Government of Belarus to implement the 152 recommendations fully supported as well as those that were partially accepted during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome the ratification of the Convention on the Rights of Persons with Disabilities and the submission of all outstanding reports under ratified treaties and the announcement made during the interactive dialogue that Belarus is planning to introduce a unified information system of courts to expand the remote participation of citizens in court proceedings and to create a data base of court decisions.

I encourage Belarus to develop a comprehensive national human rights action plan, following the adoption of the 2016–2019 Inter-agency Plan on implementation of recommendations, in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

./..

His Excellency
Mr. Vladimir MAKEI
Minister of Foreign Affairs
Republic of Belarus



I also encourage Belarus to establish a national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, while linking these to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage the Government to continue with the practice of submitting a mid-term report on follow-up to the third cycle of the review, by 2023.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Belarus in relation to the areas identified in this letter and its annex.

Please, accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

cc: His Excellency
Mr. Yury AMBRAZEVICH
Ambassador extraordinary and plenipotentiary
Permanent Representative of the Republic of Belarus to the United Nations Office in
Geneva, Switzerland

Ms. Joanna KAZANA-WISNIOWIECKI
United Nations Resident Coordinator
Republic of Belarus

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.
- Ratifying the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).
- Ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.
- Acceding to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.
- Extending an invitation to all special procedures mandate-holders of the Human Rights Council.

National human rights framework

- Establishing an independent national human rights institution with a mandate to protect the full range of human rights and fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Adopting comprehensive legislation specifically criminalizing racist hate speech.
- Ensuring that acts of racial discrimination are investigated, prosecuted and sanctioned, and that victims are provided with appropriate remedies.
- Effectively eradicating all forms of discrimination and violence on the basis of sexual orientation and gender identity.

B. Civil and political rights

Right to life, liberty and security of person

- Establishing a moratorium on executions as an initial step towards legal abolition of the death penalty.

- Including torture as a separate and specific crime in legislation and adopting a definition of torture that covers all the elements contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Intensifying the monitoring of places of detention and ensuring that prison conditions are in line with the relevant international human rights standards.
- Ending the practice of the preventive detention of human rights defenders and journalists and the arbitrary forced psychiatric hospitalization of human rights defenders.

Administration of justice, including impunity, and the rule of law

- Guaranteeing the independence of the judiciary.
- Ensuring the full independence of bar associations and lawyers and their effective protection against any form of undue interference or retaliation in connection with their professional activity.
- Ensuring that all allegations of torture and ill-treatment are promptly and thoroughly investigated by an effective and fully independent and impartial body, that perpetrators are prosecuted, and that victims are provided with full reparation, including rehabilitation and adequate compensation.
- Promptly and effectively investigating all cases of excessive use of force by law enforcement officials, arbitrary arrest and detention of peaceful protesters, and bringing the perpetrators to justice.

Fundamental freedoms and the right to participate in public and political life

- Guaranteeing a favourable environment for the work of journalists and bloggers, in particular by decriminalizing libel and reviewing the media law and the law on anti-extremism.
- Reviewing the legislation on mass events to remove requirements for authorization, systematic notification and the payment of fees for the organization of assemblies.
- Simplifying registration rules so as to ensure that public associations and political parties can exercise their right to association meaningfully.

Prohibition of all forms of slavery

- Ensuring the investigation, prosecution and punishment of perpetrators of trafficking and exploitation of women.

Right to privacy and family life

- Ensuring that all types of surveillance activities and interference with privacy, including online surveillance for the purposes of State security, are governed by appropriate legislation that is in full conformity with the International Covenant on Civil and Political Rights.
- Ensuring that poverty and disability are never the justification for removing a child from parental care.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Addressing the obstacles to the registration and operation of trade unions, lifting the undue limitations on the right to strike.

Right to social security

- Increasing the retirement age for women and expanding pension schemes in order to ensure at least the minimum subsistence level for women.

Right to an adequate standard of living

- Developing a national poverty reduction strategy and budget with a particular focus on children and families in situations of vulnerability.

Right to health

- Improving access to and the quality of health care, including psychiatric care, for prisoners in all places of deprivation of liberty.

Right to education

- Ensuring that children with disabilities progressively have access to inclusive education and ensuring inclusive education in integrated classes.

D. Rights of specific persons or groups

Women

- Adopting legislation specifically criminalizing violence against women, particularly domestic and sexual violence, including marital rape, and ensuring its effective implementation in practice.

Children

- Enacting legislation to explicitly prohibit corporal punishment in all settings.
- Phasing out institutionalisation and strengthening the family-based alternative care responses with particular attention to children with disabilities.

Persons with disabilities

- Ensuring that women with disabilities have full access to reproductive health information and services.

Migrants

- Ensuring the protection of migrant children

Stateless persons

- Strengthening the prevention of statelessness among children and ensuring that all stateless children have access to education and health care.