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COMMISSION ON HUMAN RIGHTS
Sixtieth session
Agenda item 9

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

**Austria, Belgium*, Bulgaria*, Canada*, Cyprus*, Czech Republic*,
Denmark*, Estonia*, Finland*, France, Germany, Greece*,
Hungary, Iceland*, Ireland, Italy, Latvia*, Lithuania*, Luxembourg*,
Malta*, Netherlands, Norway*, Poland*, Portugal*, Slovakia*,
Slovenia*, Spain*, Sweden, Switzerland*, United Kingdom of
Great Britain and Northern Ireland, United States of America:
draft resolution**

2004/... Situation of human rights in Belarus

The Commission on Human Rights,

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,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the international obligations they have freely undertaken,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

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

Recalling its resolution 2003/14 of 17 April 2003,

Welcoming the agreement in principle of the Government of Belarus to receive the Working Group on Arbitrary Detention,

Mindful of the requests made to the Government of Belarus by the Working Group on Enforced or Involuntary Disappearances regarding the disappearance of the former Minister of Internal Affairs, Yury Zakharenko,

Noting the decision of the Governing Body of the International Labour Organization to set up a Commission of Inquiry, the conclusions and recommendations of the Committee against Torture on the third periodic report of Belarus, which appear in the report of the Committee on its twenty-fifth and twenty-sixth sessions (A/56/44), and the recommendations of the Special Rapporteur on the independence of judges and lawyers contained in his report on the mission to Belarus (E/CN.4/2001/65/Add.1), as well as the lack of progress of the Government of Belarus in addressing the noted shortfalls,

1. *Expresses deep concern:*

(a) At reports from credible sources, including statements of former investigators and senior law enforcement officials of the Government of Belarus, and the report of the Council of Europe approved by the Parliamentary Assembly's Committee on Legal Affairs and Human Rights on 26 January 2004, implicating senior officials of the Government of Belarus in the forced disappearance and/or summary execution of three political opponents of the incumbent authorities and of a journalist;

(b) About the electoral process and legislative framework in Belarus, which remain fundamentally flawed, as local elections held in March 2003 have shown, in spite of detailed recommendations being made by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe after previous elections;

(c) About continued reports of cases of arbitrary arrest and detention;

(d) About persistent reports of harassment and closure of non-governmental organizations, national minority organizations, independent media outlets, opposition political parties and independent trade unions, and the harassment of individuals engaged in democratic activities, including independent media;

(e) About increased restrictions on the activities of religious organizations;

(f) About reports of harassment of independent and internationally oriented educational establishments such as the European Humanities University and the Yakub Kolas Humanities Lyceum;

(g) About the failure of the Government of Belarus to cooperate fully with all the mechanisms of the Commission on Human Rights, as requested in its resolution 2003/14;

(h) About the criminal prosecution of a leading opposition figure;

2. *Urges* the Government of Belarus:

(a) To dismiss or suspend from their duties law enforcement officers and public officials implicated in forced disappearances and/or summary executions, pending an impartial, credible and full investigation of those cases;

(b) To ensure that all necessary measures are taken to investigate fully and impartially all cases of forced disappearance, summary execution and torture and that perpetrators are brought to justice before an independent tribunal and, if found guilty, punished in a manner consistent with the international human rights obligations of Belarus;

(c) To bring the electoral process and legislative framework into line with international standards and facilitate the involvement of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe in forthcoming elections;

(d) To bring the actions of its police and security forces into conformity with its obligations under the International Covenant on Civil and Political Rights as well as other relevant international standards;

(e) To establish independence of the judiciary and end impunity for persons responsible for killing or injuring individuals;

(f) To release scientists and other individuals detained for politically motivated reasons; to cease harassment of non-governmental organizations, political parties, trade unions, independent media and democracy and human rights activists; to undertake a review of domestic laws and practices regarding the compulsory registration of non-governmental organizations; to bring the 2002 Law on Religion into conformity with its international human rights obligations and to refrain from implementing this law until it is so amended;

(g) To cooperate fully with the office of the Organization for Security and Cooperation in Europe in Minsk and respect the mandate agreed by consensus among the member States of the Organization;

(h) To use the expertise available in the Organization for Security and Cooperation in Europe and the Council of Europe to ensure that the draft law on media meets international standards and does not, directly or indirectly, further restrict the printing or distribution of independent media in Belarus;

3. *Urges* the Government of Belarus to cooperate fully with the Working Group on Arbitrary Detention, in particular through facilitating its visit in September 2004;

4. *Insists* that the Government of Belarus cooperate fully with all the mechanisms of the Commission, including by extending invitations to the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special

Rapporteur on the right to freedom of opinion and expression, and the Special Representative of the Secretary-General on the situation of human rights defenders, as well as the Working Group on Enforced or Involuntary Disappearances, and through requesting technical assistance;

5. *Decides* to appoint a Special Rapporteur, from within existing resources, to establish direct contacts with the Government and with the people of Belarus, with a view to examining the situation of human rights in Belarus and following any progress made towards the elaboration of a programme on human rights education for all sectors of society, in particular law enforcement, the judiciary, prison officials and civil society, and to report to the Commission on Human Rights at its sixty-first session;

6. *Decides* to consider this question at its sixty-first session, under the same agenda item.
