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Human rights situations that require the Council's attention

Note verbale dated 4 July 2012 from the Permanent Mission of the Republic of Belarus to the United Nations Office and other international organizations in Geneva addressed to the secretariat of the Human Rights Council

The Permanent Mission of the Republic of Belarus to the United Nations Office and other international organizations in Geneva presents its compliments to the secretariat of the Human Rights Council and has the honour to enclose herewith the comments of Belarus on the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Belarus (A/HRC/20/8) (see annex).

The Permanent Mission requests that the position of the Governments be published as a document of the twentieth session of the Human Rights Council under agenda item 4, in all official languages of the United Nations.

* Reissued for technical reasons on 30 October 2012.

Annex

[Original: Russian]

Comments by Belarus on the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Belarus

1. The report of the United Nations High Commissioner for Human Rights (document A/HRC/20/8) is absolutely unacceptable to the Republic of Belarus.
2. The report was prepared in pursuance of the politicized country-specific resolution 17/24 that was rejected by Belarus and does not enjoy the support of an absolute majority of States members of the Human Rights Council. The document was prepared by the Office of the High Commissioner for Human Rights (OHCHR) on the basis of a non-consensual mandate. At the outset, no legal framework was created for the preparation by OHCHR of an objective and unbiased report. From the very beginning, the European Union put the High Commissioner in a situation where she had to follow the reasoning of the anti-Belarusian resolution.
3. The report mostly reproduces the position of the European Union, which was the initiator of the anti-Belarusian resolution and is the single party calling for the report. This “comprehensive” document contains a distorted picture of the events in Minsk on 19 December 2010 and in the post-electoral period. It gives selective and incorrect assessments of the human rights situation in the country. The report’s general findings are formulated solely from the perspective of civil and political rights, while the promotion of economic, social and cultural rights is laid aside. General Assembly resolution 60/251 is clear on this issue, stating that “all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis”. The documents for the universal periodic review of Belarus and the information from the Government on measures aimed at implementing the review’s recommendations, which were shared with OHCHR, including at its workshop in Tbilisi, were also ignored.
4. The report’s findings are mostly abstract, are not substantiated using specific norms from specific international legal instruments and are not proved by credible facts. A coarse attempt is made in the report to rate the conformity of the United Nations Member State’s legislation with international human rights treaties on the basis of the views of certain European Union political bodies and European regional organizations such as the Council of Europe and the Organization for Security and Cooperation in Europe.
5. The issue of the death penalty in Belarus is addressed in the report in a one-sided manner and without taking account of information from the Government in respect of specific cases and public opinion. The relevant recommendations are formulated without taking due account of international and national legal norms in this sphere.
6. The report includes some inadmissible recommendations, which are aimed at dividing Belarusian society by singling out a separate group of individuals, who, according to the OHCHR logic, should enjoy legal immunity solely because of their human rights activities. The same holds for the activities of the media and NGOs.
7. Some findings and recommendations in the report are of particular concern as they do not reflect the High Commissioner’s obligation to respect the domestic jurisdiction of States, and supplant the provisions of the institution-building package of the Human Rights

Council. Such findings and recommendations contradict the Charter of the United Nations and resolutions adopted by the General Assembly, including resolutions 48/141 and 60/251.

8. The recommendations concerning the implementation of recommendations from the reports of the political mechanisms of certain regional organizations even go beyond the mandate of OHCHR, and their inclusion demonstrates the lack of impartiality in its preparation.

9. The compilers of the report note that it relies on secondary sources of information. Public reports issued by Belarusian and international media, civil society groups and human rights defenders are among such sources. It is necessary to recall in this context that the Western media covered the events in Belarus in a biased way and the reaction of human rights NGOs was based on emotions and intuitive solidarity rather than on an objective legal analysis. That is to say that the report is based on the distorted information spread by Western media and some allegedly “Belarusian” Internet sources under the control of Western countries.

10. Which information sources did OHCHR use in compiling the report? Of the 79 references, approximately 40 refer to the opinions of individual groups of non-governmental organizations, including some that do not work in Belarus.

11. The references made by OHCHR to certain unreliable “tabloid” Internet sources, which are well known for regularly disseminating inaccurate information and views that do not accord with the Charter of the United Nations or the purposes and principles of the United Nations, are unacceptable.

12. The absence of any reference to information from Belarusian State media or alternative views from NGOs is an illustrative example of the selective approach of OHCHR in preparing the report. There is no mention of, or reaction or position of the High Commissioner to, the unilateral political and economic sanctions applied by the European Union and the United States of America against Belarusian citizens and companies in violation of international law, the Charter of the United Nations, and resolutions of the General Assembly and the Human Rights Council. These sanctions are imposed on various strata of society, including judges, prosecutors, journalists, university rectors, school directors and businessmen. Appeals made to some of the Council’s thematic procedures by citizens subjected to the sanctions have still not been answered.

13. The position of the Government of the Republic of Belarus on the events of 19 December 2010 is not reflected in the High Commissioner’s report, although the relevant information, including visual materials, was submitted by Belarus to OHCHR, as well as to the Human Rights Council and special procedures. The Belarusian Government’s position is publicly available and contained in the Council’s official documents A/HRC/17/G/4 and A/HRC/18/G/7, which are not even mentioned in the High Commissioner’s report.