

**Responses to Recommendations**

**BELARUS**

Review in the Working Group: 12 May 2010  
 Adoption in the Plenary: 23 September 2010

**Belarus' responses to recommendations (as of 13.01.2011):**

<b>In the Report of the Working Group:</b>	<b>In the Addendum:</b>	<b>During the plenary:</b>	<b>Summary:</b>
55 REC accepted; 38 pending	Out of the 38 pending, 3 accepted, 20 rejected ("not acceptable"), 15 considered as already implemented (98.8, 98.14, 98.15, 98.18, 98.24 to 98.33, 98.35 -> accepted) and 1 being implemented (98.22 -> accepted) <sup>1</sup>	The delegation stated accepting 75 REC in total thus contradicting our findings (74 = 55 accepted at the WG state + 3 accepted in addendum + 15 implemented in addendum + 1 being implemented in addendum).	Accepted: 74 Rejected: 20 No clear position: 0 Pending: 0

**List of recommendations contained in Section II of the Report of the Working Group A/HRC/15/16:**

**97. The recommendations formulated during the interactive dialogue and listed below have been examined by Belarus and enjoy its support:**

A - 1. Examine, in the spirit of its engagement in favour of human rights, the possibility of adhering to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Algeria); consider signing and ratifying the International Convention on the Rights of All Migrant Workers and Members of Their Families (Egypt);

A - 2. Examine, in the spirit of its engagement in favour of human rights, the possibility of adhering to the Convention on the Rights of Persons with Disabilities (Algeria);

A - 3. Harmonise national legislation with international human rights norms (Djibouti); continue its efforts to harmonize its national legislation with international standards (Sudan);

<sup>1</sup> The total number of pending REC is 39 because one REC was split.

A - 4. Examine the possibility of putting in place a national institution for the defence of human rights accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (Algeria); consider the establishment of a national human rights institution in accordance with the Paris Principles (Egypt); explore the possibility of establishing a national human rights institution in accordance with the Paris Principles (Malaysia);

A - 5. Create a favourable institutional framework to improve the condition of women by integrating them into social, economic and political life (Djibouti);

A - 6. Continue strengthening cooperation between the Government and civil society organizations in promoting and protecting human rights in areas such as education, public health and gender equality among others (Malaysia); promote cooperation between the Government and civil society in the area of human rights protection and promotion (Oman);

A - 7. Continue the elaboration and implementation of national action plans in order to improve the situation of children and the protection of their rights (Oman);

A - 8. Continue its action-oriented policy on the reduction of infant mortality, maternal care, combating HIV/AIDs and environmental protection (Azerbaijan);

A - 9. Continue cooperation with the United Nations and other international organizations to promote human rights in Belarus (Palestine);

A - 10. Continue to promote international cooperation in the field of human rights in accordance with its national situation (China); continue its existing collaboration with international institutions in the sphere of human rights (Armenia); continue the constructive cooperation with all human rights mechanisms in order to promote human rights in the country (Libyan Arab Jamahiriya);

A - 11. Maintain its cooperation with the various international mechanisms for the promotion and protection of human rights, including this Council and the oversight bodies for those treaties to which Belarus is a party, as well as periodically comply with the submission of its reports to those bodies (Nicaragua);

A - 12. Strengthen its cooperation with the international human rights system, through the timely submission of periodic reports to the relevant treaty bodies (Egypt); present the remaining reports to treaty bodies without delay, and make every effort to avoid such delays in the future (Hungary); intensify its efforts with a view to submitting delayed reports to treaty bodies (Spain);

A - 13. Increase cooperation with the United Nations treaty bodies and special procedures, in particular in implementing their recommendations and decisions (Lithuania);

A - 14. Extend full cooperation to the United Nations special procedures, and ensure that overdue reports to the United Nations treaty bodies are submitted as a matter of priority (Norway);

A - 15. Respect the provisions of the International Covenant on Civil and Political Rights and the Convention against Torture, and the recommendations of intergovernmental human rights mechanisms, and also cooperate with special procedures (Switzerland);

A - 16. Agree on the dates for the visit of eight special mandate holders invited by the Government (Hungary);

A - 17. Engage with other mandate holders, especially with the special rapporteurs on the right to freedom of expression, on human rights defenders and on torture (Hungary);

A - 18. Respond to the allegation communications of the special procedures (Hungary);

A - 19. Continue its cooperation with the Office of the United Nations High Commissioner for Human Rights, in particular with a view to implementing accepted recommendations made during the universal periodic review (Russian Federation);

A - 20. Pursue its efforts in the field of promoting the rights of women (Tunisia); continue activities in ensuring women's rights and gender equality (Lithuania); conduct awareness-raising campaigns concerning equality between men and women (Palestine); continue working to eradicate all forms of discrimination against women, especially in the workplace (Bolivia); continue to strengthen the guarantee of women's rights and promote the social status of women, in accordance with the relevant international treaties (China);

A - 21. Continue the positive work in combating racial discrimination and other forms of intolerance (Palestine); continue its efforts to combat racial discrimination and related intolerance (Islamic Republic of Iran); continue its positive work in combating racial discrimination and related intolerance (Uzbekistan);

A - 22. Continue its efforts to develop inter-ethnic confidence and prevent all forms of racial discrimination (Bolivia);

A - 23. As long as the death penalty is not abolished and continues to be carried out, respect minimum standards in this regard, and in particular ensure that the death penalty is applied only for the most serious criminal offences (Belgium);

A - 24. Adopt the measures necessary to stop domestic violence, in particular with regard to the rights of women, and take measures aimed at protecting the victims of domestic violence (Palestine); consider seeking technical assistance to improve its capabilities to combat domestic violence and the abuse of children (Hungary);

A - 25. Develop and implement, together with the Office of the United Nations High Commissioner for Human Rights, a training course on protecting the human rights of victims of human trafficking for representatives of law enforcement bodies, including those studying at the International Training Centre in Minsk (Russian Federation);

A - 26. Continue its good practices such as compensation for victims of human trafficking and the establishment of institutions such as the international training centre on human trafficking and migration (Bhutan); pursue and intensify its initiatives in the area of fighting against human trafficking, a form of modern slavery (Algeria); continue to implement its comprehensive programme to combat human trafficking and to encourage all cooperation with the relevant international organizations in this respect (Azerbaijan); follow up on its initiatives in the fight against the trafficking in persons, especially women and children (Egypt); conduct an evaluation on its anti-trafficking programmes to further strengthen them where appropriate and share its lessons learned in this area (Singapore);

A - 27. Combine national and international efforts to combat human trafficking (Palestine); continue efforts and share best practices on combating human trafficking both nationally and internationally by closely cooperating with concerned parties (Kazakhstan); continue its policy of combating trafficking in persons, especially women and children, at the national and international levels, and provide assistance to victims of trafficking through shelter assistance, rehabilitation and compensation for the victims (Armenia); share its best practices in the area of combating trafficking in women and children with other countries in contemporary situation (Bangladesh); continue its efforts to combat human trafficking at the national and international levels through, inter alia, coordination and cooperation with interested Governments and international organizations (Islamic Republic of Iran); continue consolidating national and international efforts in order to effectively combat the trafficking in human beings (Tajikistan);

A - 28. Ensure fair trials and strictly respect the absolute prohibition of torture, including ensuring that confessions or information obtained as a result of torture and other ill treatment must not be used as evidence (Austria);

A - 29. With regard to the pre-trial detention regime, put in place appropriate measures that would allow for separation of detainees on the basis of gender and age (Malaysia);

A - 30. Further improve the living conditions in prisons and pre-trial detention centres (Austria); review compliance of conditions in prison and detention facilities, in particular pre-trial detention facilities, with international standards (Czech Republic);

A - 31. Ensure that all prisoners or detainees have access to legal counsel and relatives (Austria);

- A - 32. Consider establishing and improving the juvenile justice system (Kazakhstan);
- A - 33. Continue its efforts to reduce the number of children without parental care, including by advancing the ongoing initiatives to address this issue (Cuba);
- A - 34. Strengthen the status of women, protect motherhood and provide support to the family, which is the nucleus of society (Libyan Arab Jamahiriya); continue its positive efforts aimed at raising the status of women in the society, protecting maternity and supporting the family (Democratic People's Republic of Korea);
- A - 35. Continue to address the needs of children, including providing them with a family environment, and fulfil other rights to the maximum of ability (Bangladesh);
- A - 36. Continue its efforts to enhance the rights of women and children and the institution of the family within the framework of national policies and strategies (Islamic Republic of Iran);
- A - 37. Continue hosting and sponsoring international conferences to promote a constructive dialogue among the different religions and beliefs (Oman);
- A - 38. Continue to promote dialogue among different religions (Islamic Republic of Iran); continue the efforts to promote interreligious dialogue and share its experience and good practices with other countries (Tajikistan);
- A - 39. Guarantee freedom of association and expression for all citizens, including the press, human rights defenders, political parties, civic organizations and trade unions (Switzerland);
- A - 40. Continue promoting the participation of civil society in public social policies (Bolivia); continue its constructive engagement with civil society to enable tangible results on the ground through their joint undertakings in the promotion and protection of human rights in the country (Indonesia);
- A - 41. Ensure a participatory and inclusive process with civil society, including independent nongovernmental organizations, in accordance with the right to freedom of association, in the follow-up of universal periodic review recommendations (Norway);
- A - 42. Continue the current efforts to increase the representation of women in senior positions, including in Parliament and the Government (Tajikistan);
- A - 43. Continue its efforts in providing equal opportunity of work for all, and also consider efforts to support capacity-building programmes for women (Bhutan); improve the situation of women in the labour market (Kazakhstan);
- A - 44. Continue its efforts aimed at the protection of economic, social and cultural rights of the most vulnerable segments of the population (Cuba); step up efforts in ensuring that the development and poverty alleviation programmes fully benefit the vulnerable groups, including minority and indigenous communities and rural women (Malaysia); continue its successful social policy, adopting actions that increase the provision of social services and giving priority to the most disadvantaged (Venezuela);
- A - 45. Continue supporting all programmes aimed at improving the health of its population in order to reduce mortality rates (Sudan);
- A - 46. Continue its efforts to reduce the rates of infant mortality as a component of the right to health (Syrian Arab Republic);
- A - 47. Strive to put into practice the economic rights of individuals and make all possible efforts to overcome the difficulties with which the economy is confronted owing to the global financial crisis (Libyan Arab Jamahiriya); continue its efforts to secure the economic and social rights of the people in spite of the global financial crisis (Democratic People's Republic of Korea);
- A - 48. Continue its efforts for further progressing in promoting economic and social rights of its people (Bangladesh); continue improving the living standards of its people through guarantees of the broader implementation of economic, social and cultural rights (Uzbekistan); continue improving the

living standards of its people through guarantees of the broader implementation of economic, social and cultural rights (Tajikistan);

A - 49. Continue its efforts in providing a decent standard of living for its people, and provide them with enforced social security (Syrian Arab Republic);

A - 50. Continue to expand and strengthen the existing efforts in human rights education (Bhutan); pursue its efforts in the area of human rights education and training, and share its experience in this area with other countries (Morocco);

A - 51. Continue the coordination among print and audio-visual media to raise awareness and deepen understanding of human rights principles, and protect and promote different cultures, traditions and religions as a principal factor of stable relations among the ethnic groups (Libyan Arab Jamahiriya);

A - 52. Promote human rights education for security and police forces (Djibouti);

A - 53. Share its experiences in relation to the achievement of the development goals set out in the Millennium Declaration (Egypt); continue its efforts to achieve other Millennium Development Goals, in accordance with the human rights priorities that the State has established in its national policy (Nicaragua);

A - 54. Continue to carry out reforms in the country in order to fully ensure the protection of human rights and the rule of law in the country, and continue to exchange best practices on combating human trafficking, advancement of women and protection of the rights of the child and family with all United Nations member countries (Lao People's Democratic Republic);

A - 55. Solicit the technical and financial assistance that it believes necessary to accompany it in its projects of human and social development (Morocco).

**98. The following recommendations will be examined by Belarus, which will provide responses in due course, but no later than the fifteenth session of the Human Rights Council, in September 2010:**

R - 1. Ratify the Second Optional Protocol to the International Convention on Civil and Political Rights (Brazil) (Italy);

A - 2. Ratify the Convention on the Rights of Persons with Disabilities (Brazil);

A - 3. Sign and ratify the Convention on the Rights of Persons with Disabilities  
R - and its Optional Protocol (Spain);

R - 4. Sign (Iraq)/sign and ratify (Spain)/accede to (Czech Republic)/ratify (Brazil)/ratify and implement (Switzerland) the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;

R - 5. Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Spain);

R - 6. Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Spain); sign and ratify, within the optimal time frame, the International Convention on the Protection of All Persons from Enforced Disappearance (France);

R - 7. Review the legislative framework to re-assure the full implementation of the freedom of speech (Brazil);

A - 8. Ensure that national legislation complies with international fair trial standards and, inter alia, provides for the presumption of innocence, a competent defence for the accused, true rights to appeal, and the ability to seek pardon and commutation of sentence, particularly in capital punishment cases (Israel);

R - 9. Review its national legislation in order to ensure its compliance with freedom of expression, assembly and association, as guaranteed in articles 19, 21 and 22 of the International Covenant on

Civil and Political Rights (for example, article 193-1 of the Criminal Code -- acting on behalf of a non-registered organization) (Czech Republic); repeal or amend legislation, such as the Law on Public Events and Criminal Code 193-1, which represses free expression or opinion, assembly and association, in particular that of human rights defenders and other members of civil society (Israel);

R - 10. That legislation in Belarus regarding the registration of non-governmental organizations be streamlined and made less burdensome (Ireland);

R - 11. Bring its Law on Mass Events into line with the requirements of the International Covenant on Civil and Political Rights (Ireland);

R - 12. Consider amendments to legislation to facilitate the registration of independent media and to guarantee its freedom (Ireland);

R - 13. Extend an open and permanent invitation to all special procedures, and respond positively to requests for visits not yet agreed upon (Spain); consider issuing a standing invitation (Brazil);

A - 14. Take appropriate measures against discrimination against persons belonging to ethnic minorities, in particular measures against harassment by police, and allow equal access to education for all persons belonging to minorities (Austria); strengthen its effort to combat and prevent discrimination faced by the Roma and ensure their full participation in the creation of mechanisms and adoption of measures to this end (Finland);

A - 15. Adopt measures to guarantee equality before the law for women (Canada); adopt specific legislation to grant gender equality (Brazil);

R - 16. Declare a moratorium on executions with a view to abolishing the death penalty (Brazil); introduce a moratorium on the execution of the death penalty with a view to completely abolishing capital punishment (Lithuania); adopt a moratorium on the use of the death penalty with a view to its abolition (Italy); extend a moratorium on the death penalty, make public the number of sentences and executions carried out, and consider the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (Spain); put an end to the practice of capital punishment, and declare a moratorium on the death penalty as soon as possible with a view to its abolition (Switzerland);

R - 17. Consider abolishing the death penalty, and ratify the Second Optional Protocol to the International Convention on Civil and Political Rights (Austria); follow the recommendation of the Constitutional Court of Belarus to abolish death penalty and, as a first step, introduce a moratorium on capital punishment without delay (Hungary); consider an immediate moratorium on the use of the death penalty with a view to its permanent abolition (Norway); implement a full moratorium with a view to early and total abolition of the death penalty (Ireland); establish a moratorium on executions with a view to abolishing the death penalty in accordance with relevant General Assembly resolutions (Netherlands); introduce a moratorium on the death penalty with a view to the future abolition of capital punishment, and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Czech Republic); abolish the death penalty as soon as possible, and, in the meantime, establish an immediate moratorium on executions (Belgium); enact an immediate moratorium on executions with a view to ending the use of the death penalty, and accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, as well as the Sixth and Thirteenth Protocols to the European Convention on Human Rights (Finland); immediately establish a moratorium on executions with a view to the definite abolition of the death penalty, and commute all death sentences to prison sentences (France);

A - 18. Release complete information on the execution of Mr. Andrei Zhuk and Mr. Vasily Yuzepchuk in Minsk in March of this year (Norway);

R - 19. Suspend the duties of all officers of security forces implicated in cases of enforced disappearance, extrajudicial execution or torture, and ensure that impartial and credible inquiries are carried out so that those responsible for such acts are brought to justice (France); suspend the duties of officials implicated in any cases of enforced disappearance, summary execution and torture, and ensure all necessary measures are taken to investigate fully and impartially such cases and to bring the alleged perpetrators to justice before an independent tribunal, and, if found guilty, to ensure that

they are punished in accordance with the international human rights obligations of Belarus, in compliance with General Assembly resolution 62/169 (Israel);

R - 20. Implement the recommendations of the report of the Parliamentary Assembly of the Council of Europe on disappeared persons in Belarus, and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Netherlands);

A - 21. Introduce the definition of torture reflecting that in article 1 of CAT into its national legislation (Czech Republic);

A - 22. Ensure prompt, impartial and comprehensive investigations of all complaints of torture or cruel, inhuman or degrading treatment or punishment of persons subjected to any form of arrest, detention or imprisonment (Italy);

R - 23. Intensify its efforts to investigate, identify and, if applicable, punish alleged perpetrators of the harassment, arbitrary detention and torture of opponents of the Government, including journalists and human rights defenders (Spain);

A - 24. Forbid corporal punishment of children and take order in that matter (Brazil);

A - 25. Reinforce the independence of the judiciary (Brazil);

A - 26. Ensure that all trials observe international standards for fair trial, and that the Government responds to concerns by defence lawyers and non-governmental organizations regarding trials against human rights defenders (Norway);

A - 27. In order to ensure freedom of expression, fully implement provisions of the Constitution of Belarus on freedom of expression, protect all journalists from harassment, and create an enabling environment for the operation of free media through, inter alia, the simplification of registration and accreditation procedures (Lithuania); take concrete steps to meet its obligations on creating an environment that fosters freedom of expression (Norway); eliminate all restrictions on the ability of journalists to report on and criticize Government policy (Canada); develop an action plan to ensure that journalists are able to conduct their work freely and without fear of retribution (Canada); take the necessary measures, namely in the legislative field, to ensure an independent, free and diversified press (Belgium); bring its laws into line with European and international standards on press freedom, and abolish existing legislation on defamation (Netherlands);

A - 28. Take the necessary measures to ensure freedom of expression and association of everyone and, specifically, (i) simplify the registration procedure for public associations, including nongovernmental organizations, political parties and trade unions; (ii) remove the prohibition against any activity by non-registered associations; and (iii) abolish article 193-1 of the Constitution, which criminalizes the carrying out of an activity within such a non-registered organization (Belgium);

A - 29. Ensure and apply transparent and non-discriminatory decision-making processes with regard to the registration of media outlets and the accreditation of foreign journalists (Canada);

A - 30. Ensure that the authorities allow and facilitate the registration of non-governmental organizations and opposition parties (Switzerland); carry out legislative measures that permit the efficient registration, not subject to administrative discretion, of civil organizations, including political parties and unions (Spain); facilitate the registration of non-governmental organizations, and amend the Criminal Code, which criminalizes the activity of non-registered non-governmental organizations (Poland);

A - 31. Guarantee that civic organizations, human rights defenders, political parties and unions are able to carry out their legitimate activities without fear of reprisals, restrictions, judicial harassment and intimidation (Poland); ensure that everyone, including human rights defenders, can peacefully exercise their right to freedom of expression and assembly in conformity with Belarus' obligations under the International Covenant on Civil and Political Rights (Poland); ensure that human rights defenders can peacefully exercise their right to freedom of expression and freedom of assembly, in conformity with the dispositions of the International Covenant of Civil and Political Rights and that it decriminalizes activities of individuals on behalf of non-registered organizations by abolishing article 193-1 of the Criminal Code (Netherlands);

A - 32. That violations against human rights defenders, journalists and students are effectively investigated in order to bring those liable to justice (Norway); ensure that these crimes against political activists and journalists are independently and impartially investigated and that their perpetrators are brought to justice (Czech Republic);

A - 33. Adopt measures to prevent attacks, harassment, arbitrary detention of political activists and journalists (Czech Republic);

R - 34. Simplify the issuance of permissions for holding assemblies (Lithuania);

A - 35. Create a positive environment for the activities of human rights organizations and other independent non-governmental organizations, notably by eliminating obstacles to their official registration (Canada); develop a favourable environment for the functioning of all non-governmental organizations and political parties, including simplifying registration procedures (Lithuania);

R - 36. Conform to repeated demands of the international community not to detain political prisoners and not to engage in judicial proceedings for political motives, liberalize the media sector, and guarantee freedom of expression and of the media, and reform electoral law so as to guarantee the transparency of vote counting, and, finally, lift all obstacles to the functioning of non-governmental organizations and political parties (France);

R - 37. In light of the upcoming elections, implement electoral laws in line with applicable international standards of the OSCE Organization for Democratic Institutions and Human Rights recommendations, and recommendations of the Commonwealth of Independent States Election Observation Mission (Lithuania); fully implement the OSCE recommendations concerning the reform of election regulations, in close cooperation with the Office for Democratic Institutions and Human Rights (Austria); continue to work with the OSCE Organization for Democratic Institutions and Human Rights on electoral reform, with a view to ensuring that the electoral process and legislative framework is fully in line with international standards, including the International Covenant on Civil and Political Rights, well in advance of the 2011 presidential election (Ireland); institute reforms guaranteeing free and fair democratic elections that conform to international standards (Canada); commit to inviting independent international observers to monitor future election processes (Canada);

R - 38. Make public statements committing to political pluralism and democracy, and, in support of this commitment, adopt and implement policies to ensure that opposition parties are permitted to participate freely in the political process without fear of retribution (Canada).

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