HUMAN RIGHTS IN BELARUS

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Situation in Belarus – Torture

**Previous supported recommendation:**

- Strictly implement its international obligations on addressing the impunity of perpetrators of torture, notably article 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Switzerland)
- Combat torture committed in particular by law enforcement officers and in prisons and ensure that such acts not remain unpunished (France)
- Promptly and effectively investigate all allegations of torture and ill-treatment of prisoners and acts of intimidation, reprisals and threats against human rights defenders and journalists (Italy)
- Investigate all allegations of torture and ill-treatment in detention facilities, and take appropriate measures to bring perpetrators to justice (Botswana)

**Current situation**

- Belarus has not defined torture as a specific crime in accordance with Art. 1 of the Convention against Torture. The offences provided by the Criminal Code do not criminalize the whole range of acts of torture.
- Belarus has no independent bodies authorized to visit places of detention without prior notice, including psychiatric hospitals and other places of forced detention.
- Measures to ensure an independent investigation of cases related to the use of torture have not been undertaken.
Recommendations – Torture

- Include a special provision in the Criminal Code establishing liability for all acts of torture in accordance with the Convention against Torture
- Ratify the Optional Protocol to the Convention against torture and establish the NPM in accordance with the Protocol
- Recognize the competence of the CAT in accordance with articles 21 and 22 of the Convention against Torture
Situation in Belarus – Enforced disappearance and Political prisoners

- **Previous supported recommendation:**
  - Conduct an in-depth independent investigation into the disappearances of public figures that occurred in 1999 and 2000 with a view to bringing the authors of those crimes to justice (France)

- **Noted recommendations:**
  - Release immediately all political prisoners (Lithuania, Luxembourg, Estonia, Slovenia, Australia, Poland, Norway, Canada)

- **Current situation**
  - The State failed to take effective action to investigate four cases of enforced disappearances in 1999–2000.
  - Political prisoner Mikhail Zhamchuzhny continues to serve his sentence in a penal colony in Horki. In February, he was transferred to the detention facility in Vitebsk.
  - Political prisoners Nikita Emelianov and Ivan Komar sentenced both to seven years in prison.
Recommendations – Enforced disappearance and Political prisoners

- Conduct an in-depth independent investigation into the disappearances of political opponents that occurred in 1999 and 2000 with a view to bringing the perpetrators to justice
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance
- Immediately and unconditionally release political prisoner Mikhail Zhamchuzhny
- Immediately review the sentence against political prisoners Nikita Emelianov and Ivan Komar with guarantees of the right to a fair trial
Situation in Belarus – Domestic Violence

*Previous supported recommendation:*

- Adequately resource the implementation of the Fourth National Plan of Action on Gender Equality and promptly adopt the draft law on prevention of domestic violence (Lithuania)
- Develop a legislative package for the prevention of and combating of gender-based violence and provide greater financial and human resources to the National Council on Gender Policy (Spain)
- Continue developing systematic actions, including legislative ones, to combat domestic violence (Venezuela)

*Current situation*

- After being transferred to Parliament, the existing comprehensive draft law on domestic violence was criticized by the President and has not yet been adopted. In response to the collective appeal by the organizations of the National Gender Platform on 11 May, 2018, the MIA announced that it considered it advisable to refuse drafting an independent Law on Combating Domestic Violence.
Recommendations – Domestic Violence

- Adopt the law on prevention of domestic violence