HUMAN RIGHTS IN BELARUS

UPR Info Pre-sessions
Situation in Belarus – General policy on human rights and the rule of law

➢ 7 recommendations on general measures related to human rights protection and cooperation with civil society were received by the country within the 2\textsuperscript{nd} cycle of Belarus UPR, all supported by the government.

➢ Several meetings were conducted to discuss legislative changes in the field of human rights with the participation of civil society representatives, but...

➢ specialized CSOs were not always invited to such events,
➢ no permanent platforms for discussing relevant human rights issues have been established.

➢ A number of human rights legislative acts have been amended.
➢ However, they do not fully comply with international human rights obligations.
➢ The authorities have not demonstrated significant progress in establishing a national human rights institution.
Recommendations – General policy on human rights and the rule of law

➢ Strengthen cooperation with civil society on protection and promotion of human rights, provide an institutional framework for cooperation with human rights organizations.

➢ With broad participation of civil society, develop and adopt a National Action Plan on Human Rights including progress indicators.

➢ Create a national human rights institution in accordance with the Paris Principles.
Situation in Belarus – Discrimination

➢ 13 recommendations on fighting discrimination were received: 11 supported and 2 – not.

➢ Unfortunately, the State has not taken sufficient steps to develop comprehensive anti-discrimination legislation. As part of the implementation of the National Action Plan on Human Rights, the state conducted feasibility analysis of adopting anti-discrimination legislation, including consultations with civil society, but concluded that it would be premature adopt such a law.

➢ After being submitted to the Parliament, the existing comprehensive draft law on domestic violence was criticized by the President and its consideration and adoption were stopped. Its current status is unknown.

➢ The Government has not taken additional measures to reduce instances of racial discrimination; no separate statistics are available on such cases. There are still incidences of discrimination against Roma. The information was revealed about departmental acts in the MI, providing for measures of ethnic profiling in relation to the Roma.
Recommendations – Discrimination

➢ Adopt comprehensive anti-discrimination legislation defining direct and indirect discrimination, as well as its other forms.

➢ Create an effective mechanism for protection and prevention of discrimination, including mandatory anti-discrimination assessment of draft regulatory legal acts.

➢ Adopt a program for social integration of Roma, providing for positive actions to ensure their equality in different spheres of public life.

➢ Based on a comprehensive anti-discrimination law, develop legislation on the Rights of Persons with Disabilities driven by anti-discrimination and human rights approaches.
Situation in Belarus - Independence of the judiciary and legal profession

7 recommendations on this issue were received by Belarus in the previous cycle: 3 supported, 3 – declared as implemented and 1 – unsupported.

**New developments**

In 2016, the Code on the Judicial System and the Status of Judges was amended to provide delegation to the Supreme Court of authority for organizational and logistical support of general jurisdiction courts, as well as the transfer of internal control over the compliance of general jurisdiction courts activities with legal requirements.

However, judicial reform failed to solve the key issues of judicial independence. As before, final decisions on key judiciary issues are made by the President and the administration, i.e. the executives. The legislation does not provide clear criteria for appointing judges for an indefinite term. As a general rule, judges are appointed for a five-year term, then reassigned for another one.

The President has an extremely vast range of opportunities to dismiss judges or bring disciplinary proceedings against them. The Judicial Code contains no provisions for judges to appeal the President’s decisions on imposing disciplinary sanctions, including dismissal.

There is no freedom to exercise the profession of lawyer. Bar associations lack actual independence and self-government. The procedure for access to the legal profession does not comply with international standards.

Lawyers defending civic activists and opponents of the current government are being prosecuted.
Recommendations – Independence of the judiciary and legal profession

- Delegate the responsibilities for selection, appointment, dismissal and disciplining of judges from the executive authorities, including the President, to judicial self-government bodies.
- Expand the practice of indefinite appointment of judges by making appropriate changes to the law.
- Strengthen the role of the Constitutional Court in protecting constitutional rights and freedoms, including providing citizens with the right to directly appeal to the Constitutional Court with individual complaints.
- Ensure independence of the bar in accordance with international standards, inter alia eliminate excessive control over the bar by the Ministry of Justice and give wider powers to the self-government bar bodies.
Thank you

From all the members of our coalition:

- Belarusian Helsinki Committee
- Human Rights Center “Viasna”
- Lawtrend
- Belarusian Association of Journalists
- Legal Initiative
- Belarusian Human Rights House
- FORB Initiative
- Office for the Rights of Persons with Disabilities
- The Belarusian Documentation Center
- Human Constanta
- Identity and Law