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BELARUS: THE UN HUMAN RIGHTS COUNCIL MUST RENEW THE MANDATE OF THE UN SPECIAL RAPPORTEUR ON THE SITUATION IN BELARUS

Amnesty International calls on members of the UN Human Rights Council to support the renewal of the mandate of the UN Special Rapporteur on the situation in Belarus.

The release of several prisoners convicted in politically motivated trials in 2015 and the role of Belarus in hosting mediation talks on the conflict in eastern Ukraine have led to an easing of relations with Belarus and the international community. This included, in October 2015, the EU suspending its longstanding sanctions against senior Belarusian officials, with the exception of four security officers believed to be linked to enforced disappearances of political activists in 1999 and 2000.

Such developments must not be allowed to eclipse the dire human rights situation in Belarus where the death penalty is retained and executions are carried out. The rights to freedom of peaceful assembly, association and expression are severely curtailed with legislation still in place to obstruct even the most basic enjoyment of these rights. State surveillance is a critical element in the authorities' efforts to harass and intimidate civil society and independent media and serves to obstruct them from carrying out their legitimate activities. Lesbian, gay, bisexual, transgender and intersex (LGBTI) people face routine discrimination.

Three people have been sentenced to death in Belarus in 2016 and one man, Siarhei Ivanou, was executed on the night of 18 May. Siarhei Ivanou was executed despite the fact that the UN Human Rights Committee had requested a stay of execution while it considered his case, in violation of Belarus' obligations under the First Optional Protocol to the International Covenant for Civil and Political Rights (ICCPR). It was the eighth time since 2010 that Belarus has executed someone whose case was under consideration by the UN Human Rights Committee.

In Belarus, death row inmates are executed with a shot to the back of the head. Families are not given advance notice of the date of execution or granted a final visit. The body is not handed over to the family for burial and the burial site is not disclosed. In 2012, the

UN Human Rights committee ruled that the secrecy surrounding the death penalty in Belarus amounts to inhuman treatment of the families and violates Article 7 of the ICCPR which prohibits torture or cruel, inhuman or degrading treatment or punishment.

The Belarusian authorities routinely violate the rights to freedom of peaceful assembly, association and expression targeting, in particular, civil society activists, human rights defenders, independent media outlets, journalists and online activists. The Law on Mass Events, under which any assembly or public protest is regarded as unlawful unless expressly permitted by the authorities, is regularly applied, severely curtailing the enjoyment of the right to freedom of peaceful assembly. Additionally, the definition of 'mass events' has been broadened, criminal liability for organising such events has been introduced, further restrictions have been brought in regarding the eligibility of locations, and a ban on dissemination of information about public gatherings before they are officially authorised has been introduced.

Similarly, Article 193.1 of the Criminal Code, which prohibits activities by an unregistered organisation, hinders the development of civil society. The registration system remains largely obstructive, opaque and inconsistently and arbitrarily applied, and serves to stifle the legitimate work of independent civil society organisations whose efforts to register are repeatedly rejected on trivial or unsubstantiated grounds. The subsequent threat of, or actual criminalization of their activities, remains one of the most serious impediments to freedom of association in Belarus.

The media in Belarus remain under tight government control and independent media outlets, journalists and online activists routinely face obstruction and harassment in the form of arbitrary arrests, warnings, administrative prosecutions and criminal convictions. Freelance journalists who contribute to foreign media are required to obtain accreditation from the authorities and risk fines for failing to do so. The vaguely worded amendments to the Law on Mass Media allows the government to compel internet providers to block access to specific online resources without a court order, and websites have been blocked under this provision.

Secret surveillance in Belarus is governed by a legal framework that falls short of international standards and is characterized by inadequate safeguards. The result is that while it is possible that almost anyone could be subject to surveillance, it is nearly impossible for anyone to know whether they are or have been. This uncertainty exerts a chilling effect on human rights defenders, opposition politicians, lawyers, environmentalists, journalists and activists of all sorts, and limits their ability to exercise their human rights, including the right to freedom of association, peaceful assembly and expression.

Social attitudes towards lesbian, gay, bisexual, transgender and intersex people are, for the most part, very negative, and LGBTI people face routine discrimination and harassment if they are open about their sexual orientation or gender identity. This includes harassment and violence at the hands of the police. Belarus has not adopted comprehensive anti-discrimination legislation, and clauses protecting from discrimination in the Constitution and the Labour Code do not specifically mention sexual orientation and gender identity as grounds for protection. The Criminal Code does not include any

reference to homophobia or transphobia as aggravating grounds to be considered in the investigation or prosecution of hate crimes against LGBTI people. If they are investigated at all, hate crimes are usually qualified as “hooliganism”.

In light of the above, and despite a shift from the international community towards Belarus politically, the fact remains that basic human rights and fundamental freedoms are violated systematically by the Belarusian authorities. The human rights community must invest all it can to protect the rights of the Belarusian people. The role of the Special Rapporteur in this regard is critical to secure rigorous monitoring of and reporting on the human rights situation in Belarus which is essential to ensuring accountability for human rights violations.

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