

COUNCIL MONITOR

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The Special Rapporteur on the situation of human rights in Belarus¹

Mandate Holder

Mr. Adrian Severin

Mandate

The mandate was created in 2004², following deep concern over the situation of human rights in Belarus. It was set up to establish direct contacts with the Government and with the people of Belarus, with a view to examining the situation of human rights in the country, and follow any progress made towards the elaboration of a program on human rights education for all sectors of society.

Activities

The Special Rapporteur did not receive favourable responses to his communications with the Belarus authorities and was consequently only able to take into account the views of third parties. He presented his previous report at the 2nd Session of the Human Rights Council (the Council), where it received a lot of criticism by certain countries who alleged that the work of the Rapporteur lacked impartiality and objectivity and was politicised. Others regretted the lack of cooperation of the Government of Belarus and commended his work. In addition to the 11 communications the Rapporteur presented in his report to the Human Rights Council at its 2nd session, three others were mentioned in this report. These concern the promotion and protection of the right to freedom of opinion and expression, and the situation of human rights defenders.

Annual Report

Scope:

The Government has not responded favourably to the Rapporteur's communications. Accordingly, the Rapporteur's report is based on his mission to the Russian Federation in early 2006 as well as consultations held in Geneva, Strasbourg, and Brussels with representatives of permanent missions and non-governmental organisations, the United Nations and specialised agencies, the Organisation for Security and Cooperation in

¹ Summary prepared by Gergey Pasztor, Intern, ISHR, supervised and edited by Gareth Sweeney, Information Program, ISHR.

² Commission on Human Rights *Resolution 2004/14*. It was extended by *Resolution 2005/13*, as well as Human Rights Council *Resolutions 1/102 and 2/102*.

Europe, and the Council of Europe. He also used media reports and various documentary sources. Given the non-cooperation of the Government of Belarus, the Rapporteur was not able to include the views of the Belarus authorities. However, he reiterates his readiness to include these were he to be invited.

Summary and key conclusions:

- The Rapporteur finds that violations of civil and political rights and the deprivation of Belarusian citizens' rights to effectively take part in the conduct of public affairs continue to be observed. Human rights protection mechanisms remain extremely weak and there is no national human rights institution. The judicial system is subservient to the executive branch, and there is no genuinely independent legislative branch. In this regard, he finds that a number of political opponents are imprisoned and that Belarus is the last European country to apply the death penalty. The Rapporteur also notes that the presidential elections on 19 March 2006 did not meet international or European Union standards of free and fair elections and that freedom of opinion and expression is still repressed through vague laws that give the authorities the power to repress public actions and the media. Non-governmental organisations have been targeted and harassed by the authorities and several individuals have been imprisoned. Religious freedoms are also seriously restricted with minority religions not receiving the same rights as the Belarusian Orthodox Church.
- The Rapporteur finds that Belarus lags behind regarding economic and social rights. He refers to a UNDP development report that ranks Belarus as 67th out of 177 countries. He states that workers rights are severely restricted and that spending has dropped for health care and education. There is also inequality between men and women, particularly regarding political life. Finally, he notes that Belarus ranks 151st out of 163 countries in terms of corruption and that spending appears incoherent and unsustainable given Belarus' closed economy. He is surprised at the amount of funding for security services and suggests that the origin of these funds be investigated.
- Finally, the Rapporteur notes the ongoing discrimination and exclusion of minority groups, particularly the Poles and the Roma.

Conclusions and recommendations:

- As a preamble, the Rapporteur responds to criticisms expressed since the beginning of his mandate that the mandate is politicised, that he has gone beyond his mandate, and that he has been biased. He responds that rights are intricately linked to the political situation and that his mandate will by definition be political. However, he clarifies that his mandate is aimed at the promotion and protection of human rights and that all issues are directed with that in mind. He adds that the Government of Belarus has so far refused to cooperate and concludes that the absence of reaction implies that it accepts the facts contained in the report.
- The Rapporteur states that the conclusions and recommendations he reached in previous reports continue to be valid, even if there is no indication the Government of Belarus will accept them.
- He notes that Belarus has for the most part not replied to communications from other special procedures and that these have all converged towards the same opinion he holds in his report.
- He stresses the need for the support of the Russian Federation, without which it will be difficult for the international community to bring about a change in human rights in Belarus.
- While noting that the human rights situation has constantly deteriorated in 2006, the Rapporteur identifies two negative developments. The first is that citizens have had an official state ideology based on former Soviet concepts imposed on them. The second is that the ethno-cultural diversity has been used to divide them and diminish their capacity to resist State oppression.
- He notes that Belarus has not considered any of his recommendations; neither has Belarus accepted any of the recommendations of other special procedures.
- The Rapporteur states that the report demonstrates that Belarus does not respect its obligation under the international human rights instruments to which it adhered and reiterates his recommendation that the Security Council adopt appropriate measures to ensure that it comply with its legal obligations.

- The Belarus' political opposition and civil society have cooperated with the Special Rapporteur, and he recommends that the international community and the Council in particular support the changes these groups are trying to bring about.
- He notes that the international community has not implemented his previous recommendations and reiterates the importance for the Council to establish a group of legal experts to investigate disappearances and murders of politicians and journalists, and for the Office of the High Commissioner for Human Rights (OHCHR) to organise discussions between relevant regional partners to reach a solution to the ongoing human rights violations in Belarus. He also calls for an international fund to be set up to promote the development of civil society.
- The Rapporteur reminds member states that trading relations with Belarus are not helping the Belarusian people, but are rather helping President Lukashenka's regime stay in power.
- Finally, he calls on the Council to extend his mandate, both in terms of time and scope, and calls on the United Nations and the OHCHR to support the work of special procedures in all ways possible.

Follow-up:

As the Rapporteur mentioned in his report, his presentation at the 2nd Session of the Human Rights Council was received with much criticism. Belarus led the attack on his mandate, calling it politicised, biased, and nothing more than Cold-War propaganda. Numerous states supported Belarus in its refusal to recognise Mr Severin's mandate.³ According to Cuba, the Special Rapporteur's report was 'a political pamphlet' aimed at overthrowing Belarus' Government. A number of countries accused Mr. Severin of being partial and called for the abrogation of his mandate, including several calls for an end to country-specific mandates in general.⁴ Most of the time allocated for interactive dialogue was used debating country-specific mandates and it is likely that this will continue again during the consideration of this report.

³ Cuba, China, the Democratic People's Republic of Korea, Pakistan (on behalf of the OIC), Yemen, the Russian Federation and the Islamic Republic of Iran.

⁴ Malaysia, Tunisia, India, Indonesia, Bangladesh, Sudan, Syria, Pakistan (on behalf of the OIC), Yemen, the Russian Federation, Democratic People's Republic of Korea.

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