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Human Rights Council

Seventeenth session

Agenda item 4

Human rights situations that require the Council's attention

Albania*, Austria*, Belgium, Bulgaria*, Canada*, Croatia*, Cyprus*, Czech Republic*, Denmark*, Estonia*, Finland*, France, Germany*, Greece*, Hungary, Ireland*, Italy*, Japan, Latvia*, Liechtenstein*, Lithuania*, Luxembourg, Malta*, Netherlands*, Norway, Poland, Portugal*, Romania*, Slovakia, Slovenia*, Spain, Sweden*, Switzerland, United Kingdom of Great Britain and Northern Ireland:
revised draft resolution

17/... Situation of human rights in Belarus*The Human Rights Council,*

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Bearing in mind paragraph 3 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Human Rights Council resolutions 5/1 of 18 June 2007 on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil their international obligations,

Mindful that Belarus is a party to the International Covenant on Civil and Political Rights and the Optional Protocols thereto, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto, and the Convention on the Rights of the Child and the Optional Protocols thereto,

* Non-Member State of the Human Rights Council.

Taking note of the participation by the Government of Belarus in the universal periodic review in May 2010 as the State under review, acknowledging in this regard its support for a high number of recommendations, and stressing the need for their full implementation in cooperation with the Office of the United Nations High Commissioner for Human Rights,

Concerned about the presidential elections held on 19 December 2010 in Belarus, which were marked by a lack of independence and impartiality of the election administration, an uneven playing field and a restrictive media environment, as well as a continuous lack of transparency at key stages of the electoral process,

Deeply concerned at the overall human rights situation in Belarus and its severe deterioration since the presidential elections of 19 December 2010, including credible allegations of torture, arbitrary detention and increasing harassment of opposition leaders, representatives of civil society, human rights defenders, lawyers, independent media, students and those defending them,

Supporting the efforts of regional organizations, including the Organization for Security and Cooperation in Europe, aimed at improving the human rights situation in Belarus, and deeply regretting the decision of Belarus not to extend the mandate of the Organization's office in Minsk and the failure of the Government of Belarus to cooperate fully with the Moscow Mechanism,

1. *Condemns* the human rights violations occurring before, during and in the aftermath of the presidential elections of 19 December 2010, including the use of force against, arbitrary arrest, detention and the politically motivated conviction of opposition candidates, their supporters, journalists and human rights defenders, as well as the abuses of rights to due process and to a fair trials for those involved in the demonstrations of 19 December;

2. *Urges* the Government of Belarus:

(a) To end politically motivated persecution and harassment of opposition leaders, representatives of civil society, human rights defenders, lawyers, independent media, students and those defending them;

(b) To comply with international standards for due process and fair trial;

(c) To release and rehabilitate all political prisoners, including those detained in connection with the demonstrations of 19 December 2010;

(d) To conduct a thorough, credible, impartial and transparent investigation, in accordance with international standards, into the disproportionate use of force on 19 December 2010 and into allegations of torture and ill-treatment of detainees;

(e) To respect freedom of expression and freedom of association and peaceful assembly, and bring its relevant legislation into line with its international obligations under human rights law;

(f) To ~~comply with~~ implement its commitments made with the Organization for Security and Cooperation in Europe, and to allow a meaningful presence of the Organization in Belarus;

(g) To allow international monitors and cease the detention and expulsion of international monitors from the country;

3. *Insists* that the Government of Belarus cooperate fully with all the mechanisms of the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights and the human rights treaty bodies;

4. *Decides* to appoint a special rapporteur to establish direct contacts with the Government and with the people of Belarus, with a view to monitor closely and provide recommendations on the situation of human rights in Belarus, and to submit a report to the Human Rights Council for its consideration at its twentieth session;

5. *Calls upon* the Government of Belarus to cooperate fully with the Special Rapporteur and to permit access to visit the country as well as all information necessary to allow the fulfilment of the mandate;

6. *Requests* the Office of the High Commissioner to provide the Special Rapporteur with all necessary assistance and resources to enable him/her to discharge his/her mandate fully;

7. *Decides* to consider this question at its twentieth session under the same agenda item.
