

## Belarus Human Rights Index

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2019

### Right to life

**Score: 5.3**

***Including scores by component:***

Arbitrary deprivation of life – 6.0

Death penalty – 4.9

Enforced disappearances – 5.0

Belarus has adopted legislation aimed, in general terms, at protecting the lives of citizens from criminal harm. The Criminal Code contains a number of provisions prescribing serious penalties for offences against human life. According to data from the National Statistical Committee of the Republic of Belarus, the number of registered murders and attempted murders has been declining since 2007. Such offences fell from 791 in 2007 to 311 in 2018 – a reduction of 60% – which represents a positive development.<sup>1</sup> In 2019, according to data from the Supreme Court of the Republic of Belarus, 283 persons were convicted of murder<sup>2</sup>.

Legislation establishes the grounds and procedure for the use of weapons by officers of the internal affairs bodies and internal troops. At the same time, the list of circumstances permitting such use is not exhaustive.

Cases of arbitrary deprivation of life are not always investigated. Full criminal investigation is replaced by a preliminary inquiry, which in some cases concludes with a decision to decline to open criminal proceedings in connection with the death. Furthermore, relatives are in practice not permitted to examine the findings of such inquiries. There are concerns regarding the independence of investigative bodies, which in practice may result in the absence of proper investigation into the causes of death. Prosecutorial supervision of investigations into cases involving the death of a person is, in general, ineffective.

Legislation grants women the right to decide independently on the question of motherhood. An abortion is preceded by a consultation with a specialist physician. Minors additionally require the consent of their legal representative. Abortion is permitted up to 12 weeks of pregnancy, with the

<sup>1</sup> [https://www.belstat.gov.by/ofitsialnaya-statistika/solialnaya-sfera/pravonarusheniya/annual\\_data/](https://www.belstat.gov.by/ofitsialnaya-statistika/solialnaya-sfera/pravonarusheniya/annual_data/)

<sup>2</sup> [http://www.court.gov.by/ru/justice\\_rb/statistics/](http://www.court.gov.by/ru/justice_rb/statistics/)



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exception of certain cases in which termination is permitted at a later stage. All grounds for abortion are defined by law.

In 2018, Belarus ranked fifth in the WHO's global ranking for the number of suicides<sup>3</sup>. According to Belstat, 1,665 persons died as a result of suicide in 2019<sup>4</sup> (a decrease of 141 deaths compared to 2018). In 2015, the Minister of Health of the Republic of Belarus approved a set of measures for the prevention of suicidal behaviour among the population of the Republic of Belarus for the period 2015–2019, which can be noted as a positive practice. On 1 January 2019, guidelines were approved on the procedures to be followed by staff in educational and healthcare institutions and by law enforcement officers when identifying risk factors for suicidal behaviour among minors.

In 2019, three suicides were recorded in the Belarusian army, and at least one case of suicide by a Ministry of Internal Affairs (MIA) officer is known. There have been instances where some prisoners committed suicide, accusing MIA officers of ill-treatment. Information regarding deaths in places of detention is not made public. Deaths in places of detention, including suicides, are not properly investigated; the secrecy of the system and the lack of public oversight lead to regular violations of the right to life. One of the problems is the lack of statistics on such deaths and their causes.

Legislation expressly establishes the temporary and exceptional character of the application of the death penalty, which is applied for certain especially grave offences involving the intentional deprivation of life under aggravating circumstances. In none of the penalty provisions of the Criminal Code articles prescribing the death penalty is that punishment the only available sanction. Life imprisonment is applied in Belarus as an alternative to the death penalty (Article 59(3) of the Criminal Code). There are, however, no clear criteria distinguishing when life imprisonment is to be applied and when the death penalty is to be imposed. Courts deciding between the two alternative punishments are therefore guided solely by their own conviction rather than by clear criteria. The practice of the Supreme Court imposing death sentences as a court of first instance deprives convicted persons of the right to appeal, while the execution of the death penalty is irreversible. Under current Belarusian legislation, a judgment handed down by the Supreme Court of the Republic of Belarus enters into force immediately upon its pronouncement and is not subject to appeal. In criminal cases concerning persons accused of offences carrying the death penalty, the participation of defence counsel is mandatory. The exceptional measure of punishment may be imposed on a defendant found guilty only by a unanimous decision of the judges comprising the court.

A number of death sentences have been handed down following trials that did not meet the requirements of due process enshrined in Article 14 of the Covenant, which amounts to arbitrary deprivation of life<sup>5</sup>.

<sup>3</sup> <https://apps.who.int/iris/bitstream/handle/10665/272596/9789241565585-eng.pdf?ua=1>

<sup>4</sup> <https://www.belstat.gov.by/upload/iblock/0ad/0adbfa0f36d3f3052703df0f4e7d9db2.pdf>

<sup>5</sup> Concluding observations of the Human Rights Committee on the fifth periodic report of Belarus, 22 November 2018, CCPR/C/BLR/CO/5, paragraph 27



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Belarus continues to disregard requests from the Human Rights Committee for interim measures, primarily in cases involving the imposition of the death penalty, which are referred to it in accordance with the Optional Protocol, and carries out these sentences before the Committee has completed its consideration of the relevant cases<sup>6</sup>.

All persons sentenced to death have the right to apply to the President of the Republic of Belarus for a pardon, a fact of which the convicted person is informed when the sentence is pronounced. Applications for pardon submitted by convicted persons are preliminarily considered by the Presidential Commission on Pardons before being submitted to the President for consideration. Although the law provides for the possibility of inviting representatives of the media and civil society organisations to attend meetings of the Commission on Pardon, the Commission's meetings are not held in public. Presidential decrees on pardons or refusals to grant pardons are also not made public.

In Belarus, the death penalty may not be imposed on persons who committed crimes before the age of eighteen, on all women, or on men who have reached the age of 65 by the date of sentencing.

In Belarus, the death penalty is carried out in private by firing squad; the date and place of execution are not disclosed. The law does not require that the date of execution be notified to the convicted persons themselves. As a rule, no more than three months elapse between the President's decision to refuse a pardon and the execution of the death penalty

The bodies of those executed are not handed over to their relatives, and the place of burial is not disclosed. This practice is recognised by the UN Human Rights Committee as a violation of the state's obligations under Article 7 of the International Covenant on Civil and Political Rights (the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment).

Belarus practises extradition to states where there is a risk of torture and the death penalty. There is no statutory ban on extradition to countries where the death penalty is practised.

There has been virtually no investigation into the cases of enforced disappearances of political opponents of the authorities in 1999–2000, despite compelling evidence of the involvement of the country's senior officials in these disappearances. No effective attempts have been made by the state to solve these crimes. Those responsible for the crimes have not been found, criminal cases have not been brought to court, and the relatives of the missing politicians have not received adequate compensation from the state. There is no information whatsoever regarding any investigation by the authorities into these criminal cases.

No centralised lists of all persons in custody are compiled.

There is no specific provision in the legislation establishing liability for enforced disappearances. For example, following the disappearance of journalist Dmitry Zavadsky, the General Prosecutor's Office of

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<sup>6</sup> Concluding observations of the Human Rights Committee on the fifth periodic report of Belarus, 22 November 2018, CCPR/C/BLR/CO/5, paragraph 7



the Republic of Belarus opened a case under the charge of murder. Furthermore, the Republic of Belarus is not a party to the International Convention for the Protection of All Persons from Enforced Disappearance.

**Sources:**

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