

## **Priority recommendations of the national human rights coalition for the UPR procedure**

### *Priority recommendations referred to election campaign and post-election situation:*

- To conduct an objective and impartial investigation of all cases of arbitrary deprivation of life, torture, violence and abusive treatment committed against peaceful demonstrators, and bring those responsible to justice.
- With a participation of human rights defenders, civil society organizations and other interested persons create a Parliamentary Commission on investigation of events took place from 9<sup>th</sup> to 12<sup>th</sup> of August, to give an objective assessment of violence, tortures and abusive treatment used by police structures against civilians who realized their right to peaceful assembly and freedom of opinions.
- Stop intimidation, harassment, use of force and bringing to justice people for the expression of their opinions, participation in peaceful demonstrations and taking part in activity of independent civic organizations and trade union activity.
- Immediately and without any conditions release all political prisoners and provide them with full rehabilitation.
- Immediately release arrested lawyers Lilia Vlasova, Maxim Znak and Iliya Saley
- Stop the practice of arresting, detaining and criminalizing people for realizing their right to freedom of expression and peaceful assembly.
- Refuse from the practice of arbitrary detentions of journalists and usage of violence against them in the course of their professional activities.
- Investigate all cases of journalists' rights violations and bring the perpetrators to justice.
- To prevent cases of harassment, intimidation and pressure on human rights defenders in connection with their legitimate activities for the protection and promotion of human rights and to create appropriate conditions for their activity.
- Stop the practice of intimidation and discredit of civil society and political opposition activists including stop propaganda campaigns of intimidation and defamation of opposition activists and civil society organizations in the state media, especially by ending campaigns of intimidation directed against organizations and individuals receiving assistance from abroad.
- Stop harassing and intimidating members of independent trade unions and strike committees, in particular by eliminating the practice of dismissing strike Committee leaders and trade Union activists, and expand the legal capacity to register trade Union structures and declare strikes.
- Stop the practice of arbitrary detentions, warnings, inspections, searches, and confiscation of equipment and information carriers against independent civil society organizations, as well as stop all other abuses of criminal prosecution, threats, and other forms of pressure on non-governmental organizations.
- To get rid of the practice of arbitrary interference of Internet network aimed at its limitation or disabling during mass events. Restore an access to online mass media and webpages that were previously blocked.

### *General measures in the field of human rights*

- Strengthen cooperation with civil society on protection and promotion of human rights, provide an institutional framework for cooperation with human rights organisations.
- 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.
- Take all measures necessary for the effective and efficient implementation of the Views of UN treaty bodies adopted in relation to Belarus.

### *Right to life*

- Join the Second Optional Protocol to the ICCPR and abolish the death penalty. As an interim measure, establish a moratorium on executions as soon as possible until accession to the Second Optional Protocol.
- Carry out a full and effective investigation of politically motivated disappearances of Yury Zakharka, Viktor Hanchar, Anatol Krasouski, and Dzmitry Zavadski.

### *Prohibition of torture*

- Amend the Criminal Code with a special article providing for liability for all kinds of torture in line with the provisions of the Convention against torture.
- Join the Optional Protocol to the Convention against torture and establish the NPM in accordance with the Protocol.
- Establish an independent and effective mechanism for receiving complaints submitted by victims of torture and ill-treatment to the State authorities, and ensure prompt, impartial and comprehensive investigation of all complaints. Ensure the suspension of duty of all officials subjects to criminal procedure during the inspection (investigation) of the statement on the facts of torture.
- Adopt laws establishing liability for domestic violence, including the Law on Domestic Violence.

### *Independence of the judiciary and legal profession*

- Delegate the responsibilities of 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.

### *Freedom of speech*

- Limit the powers of the Ministry of Information on interference with the activities of the media, inter alia abolish the permit-based procedure for registration of print and online media, as well as extrajudicial blocking of access to Internet-based resources.
- Exclude from the Law on mass media the prohibition on foreign journalists' activities without an accreditation, and provide a possibility to appeal refusal of accreditation particularly in court.
- Adopt a Law on access to information of governmental bodies activities.
- Decriminalize defamation.
- Exclude a possibility of arbitrary disabling or limitation of Internet, which are not connected with emergency situations or martial law.

### *Religious freedom*

- Abolish the mandatory state registration of religious organizations.
- Abolish mandatory permits for holding religious events in premises and places provided to religious organizations or owned by them.

### *Freedom of assembly*

- Bring the legislation on mass events in line with international standards, including

providing for notification-based principle for all meetings and making provision for a simplified procedure for spontaneous assemblies and counter-demonstrations.

- Waive the requirement for organizers of peaceful assembly to cover the expenses for maintenance of public order, medical care and cleaning in the course of a peaceful assembly.

#### *Freedom of association*

- Bring legislation and practice in the field of freedom of association in line with international standards, including eliminating liability for organizing and participating in the activities of unregistered organizations, religious organizations or funds (exclude art. 23.88 of the Code of administrative offences), as well as lifting the ban on such activities and other disproportionate restrictions, including discrimination and unequal treatment of various kinds of CSOs compared to commercial organisations.

- Introduce notification procedure of obtaining legal personality for public associations and foundations in compliance with the principle of presumption of legitimacy of organisations' goals, abandon the practice of refusing to register associations on insignificant grounds.

- Legally establish the possibility of placing the legal address of all forms of non-profit organizations in residential premises.

- Abolish pre-registration of foreign donations with government bodies and restrictive lists of purposes for which foreign donations, as well as donations from Belarusian legal entities can be received.

- Abolish criminal and administrative liability for violations of the procedure for receiving foreign gratuitous assistance (repeal articles 23.23 and 23.24 Of the code of administrative offences, article 369-2 of the Criminal code) and assistance from domestic sources (repeal article 23.84 Of the code of administrative offences).

- Expand opportunities for CSOs to attract donations by providing tax incentives for donations from Belarusian entrepreneurs.

- Develop a non-discriminatory and open State-based system for funding non-profit organizations on a competitive basis.

- Expand legislative mechanisms for consultation between government bodies and CSOs, expand the practice of discussing draft laws with relevant CSOs.

- Be guided by a risk-based approach and the real non-involvement of Belarusian NGOs in terrorist financing and money laundering activities in the development of legislation on NGO reporting on measures to prevent the financing of terrorism.

- Develop and implement a state policy for the development of the volunteer movement and charity, while avoiding the introduction of disproportionate restrictions and prohibitions on attracting volunteers and charitable activities for a wide range of NGOs and informal initiatives.

#### *Equality and non-discrimination*

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

- 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.

- Enshrine in legislation peremptory rules that ensure the requirements of the Convention on the Rights of Persons with Disabilities: non-discrimination, universal design, inclusive education, independent living.

- Introduce a “Deinstitutionalization” section in the form of a national strategy and action plan into the national plan for implementing the rules of the Convention on the Rights of Persons

with Disabilities.

### *Elections*

- Bring electoral legislation and its practical application in accordance with international standards on free and democratic elections in particular by:
  - Ensuring the pluralist principle of forming the election commissions at various levels;
  - Ensuring that any decisions of election commissions and other state bodies related to elections can be appealed in court, including judicial appeals against election results;
  - Legislating the provision ensuring a transparent counting of electors' voices;
  - Providing observers with unimpeded access to all electoral procedures.

### *Forced labour*

- Eliminate in law and in practice all forms of forced labor.