

## **ADVANCE QUESTIONS TO BELARUS – ADD.1**

### **CZECH REPUBLIC**

- What steps have been taken to remove the death penalty from the penal system? Does the Government consider introducing a moratorium on the death penalty and ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights?
- Does the Government consider allowing visits of the special procedures whose requests for visits are pending? Does the Government consider issuing a standing invitation to the human rights special procedures?
- What measures have been taken or are being prepared to ensure compliance of the national legislation with the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment? Does the Government consider introducing the definition of torture reflecting that in art. 1 of the CAT into its national legislation?
- Does the Government consider acceding to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment? How is currently ensured independent monitoring of conditions in detention and prison? What measures have been taken or are being prepared to ensure compliance of conditions in prison and detention facilities, in particular pre-trial detention facilities, with international standards?
- What measures are being prepared to strengthen independence of the judiciary?
- Does the Government consider reviewing its national legislation in order to ensure its compliance with freedom of expression, assembly and association as guaranteed in art. 19, 21 and 22 of the International Covenant on Civil and Political Rights (e.g. Article 193–1 of the Criminal Code)? What measures have been taken to prevent attacks, harassment and arbitrary detentions of political activists and journalists? Have perpetrators of such acts been investigated and brought to justice?

### **GERMANY**

- Concerns have been raised by Treaty bodies, Special Procedures and stakeholders about the continuing application of the death penalty as well as inadequate procedures for appeals, lack of transparency. Germany would be interested to know what steps have been undertaken to implement the recommendations of the Constitutional Court to abolish the death penalty, or, as a first step, to introduce a moratorium. (BLR/2 24.)

Belarus does not have a national Human Rights Institution in accordance with the Paris Principles. The German delegation would be interested to know if there are any plans to establish such an institution. (BLR/2 8., 9.)

- The United Nations Country Team, CERD and CRC as well as stakeholders have expressed concern over the fact that Belarus -- being already a country of origin and transit -- is becoming a country of destination of trafficking in human beings. We would like to learn more about measures to prevent trafficking especially in women and children, to address the root causes of trafficking and about specific programmes to support victims of trafficking including their reintegration into society and their access to criminal justice. (BLR/2 31., BLR/3 27.)
- The CAT as well as stakeholders have raised concerns about the absence of a comprehensive definition of "torture" in the Criminal Code as provided in the Convention against Torture. They have also raised concerns about continuous allegations of torture and other cruel, inhuman and degrading punishment or treatment. The German delegation would like to learn more about measures of the government to prevent torture and bring perpetrators to justice. BLR/2 26., BLR/3 23.)
- CEDAW has expressed concern about increasing incidences of violence against women, including domestic violence. The German delegation would be interested to know how the government addresses this problem. Are there plans to introduce specific legislation on violence against women? Are there specific programmes to prevent violence against women?

## **IRELAND**

- **National Human Rights Institution**  
Ireland would like to know whether the Government of Belarus has any plans to create a National Human Rights Institution.
- **Human Rights Defenders**  
In 2009, the Special Rapporteur on Human Rights Defenders expressed concern at the restricted environment in which human rights defenders operate. How are these concerns being addressed?
- **Freedom of Association**  
The former Special Representative of the Secretary-General on Human Rights Defenders and the Special Rapporteur on the situation of human rights in Belarus have reported that the Law on Mass Events and other laws and regulations strictly control the organisation of public protests and meetings. What efforts are being made to address these concerns?
- **Political Participation**  
What changes are planned to the electoral code to bring it into line with OSCE/ODIHR commitments to ensure registration procedures do not impede political participation?
- **Gender Equality**  
The Committee on the Elimination of Discrimination against Women has expressed concern that the Belarusian Constitution does not contain a prohibition on discrimination on the basis of gender. Are there plans to address this?

- **Torture**  
The Committee against Torture has expressed concern about the absence of a definition of torture in the domestic legislation, the lack of a specific offence of torture and about the numerous continuing allegations of torture and other cruel, inhuman and degrading punishment or treatment, particularly affecting political opponents and peaceful demonstrators. How are these concerns being addressed?
- **Death penalty**  
The Committee against Torture and the Special Rapporteur on the situation of human rights in Belarus have expressed concern about the continuing use of the death penalty, including inadequate procedures for appeals and a lack of transparency about those being held on death row. What progress has been made on the introduction of a moratorium?
- **Media freedom**  
What efforts are being made to resolve registration difficulties faced by a number of independent newspapers?

## **LITHUANIA**

- What steps were undertaken or are being planned to be undertaken in order to following up on the recommendations of the Constitutional Court and of the Parliamentary Assembly of the Council of Europe to abolish the death penalty or, as a first step, to introduce a moratorium of the death penalty?
- What measures Belarus has undertaken or plans to undertake to ensure the right to political participation and, in particular, to ensure free and fair local elections in 2010 and the presidential elections in 2011?
- Can the government provide information on strengthening its activities in promoting gender equality and women's rights and preventing violence and discrimination against women and girls and in this regard how it has followed up on the pledges made in 2007, while running for elections to the UN Human Rights Council?

## **POLAND**

- In 2009 the Special Rapporteur on human rights defenders expressed concern at the restricted environment in which human rights defenders, NGOs and political parties are able to operate, in the same year ILO Committee of Experts observed that while positive steps have been taken by the Government the current situation still remains far from ensuring full respect for freedom of association.
  - a) In this context Poland would like to ask what steps the Government of Belarus intends to take to ensure the right for freedom of association for human rights defenders NGOs and political parties in Belarus?

b) What steps do the Belarusian authorities intend to amend the Law on Fight against Crime which gives unrestricted right to put the citizens under arrest by several state subjects (KGB, Financial Police) without receiving any permission from prosecutor?

- Despite that Article 36 of the Constitution guarantees the citizens' right to assembly, the Belarusian authorities continue to violate this right by refusing to grant permission to hold demonstrations and public events.

Do the Belarusian authorities intend to stop the detentions of peaceful demonstrators who are very often prosecuted under the administrative code or subjected to disproportionate use of force by police officers?

- The Special Representative of the Secretary General on human rights defenders noted that despite the fact that the Belarusian Constitution guarantees the right to freedom of expression, the scope of this right is restricted by a number of defamation provisions of the Criminal Code, including articles on defamation, insult, defamation in relation to the President, insult to the President and insult to a governmental official. These articles foresee sentences up to five years' imprisonment.

Moreover many independent media are refused to register their offices and representatives in Belarus and others are restrained by administrative measures from conducting their activity in proper manner.

In this context the Polish delegation would like to ask what measures the Government intends to take in order to register other independent media in Belarus and amend the provisions of the Criminal Code restricting the right to freedom of expression?

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