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**56th session of the Human Rights Council**

**Side Event**

**Belarus: Crackdown on Civil Society Continues**

Monday, 1st July 2024, Palais des Nations

**Remarks by the Special Rapporteur on the situation of human rights in Belarus**

Mr. Chair, Excellencies, Ladies and Gentlemen,

This is my last year as the Special Rapporteur on human rights in Belarus. On Wednesday, I’ll present my final report to the Human Rights Council. It draws a grim picture of the developments in Belarus over the past year and outlines notably how the authorities have intentionally eradicated the right to freedom of association.

As I may not present the findings of that report here today, I have chosen to speak instead of what I have observed during my six years holding this mandate.

When I took office on 1st November 2018, the situation with human rights in Belarus had been problematic for many years, but there were reasonable hopes for improvement. My predecessor, Miklos Haraszti, had been granted access to Minsk on an academic visit in July 2017. Infamous article 193.1 of the Criminal Code had been repelled. Taking stock of the recommendations received during the second Universal Periodic Review cycle, the government of Belarus had adopted an action plan on human rights covering the period 2016-2019. It even engaged in discussions on a possible moratorium on executions, as a first step towards the abolition of capital punishment.

However, the Government would not change its position: it would not recognise my mandate or cooperate with it. It would leave my official requests for access to the country unanswered, year after year, and it would continue ignoring the recommendations submitted by the mandate since its creation in 2012. In that sense, the authorities have been consistent.

Meanwhile the situation deteriorated dramatically about four years ago. Following the 2020 contested election, I assessed it as catastrophic. Most of my efforts over the past years have been geared towards reminding everyone that it kept on worsening, albeit without receiving due attention from the international community, unfortunately.

Let me use that opportunity to thank the organisers and cosponsors of this side-event for their own efforts at maintaining Belarus high on the agenda, including at the Human Rights Council.

Wrapping up this six-year period, I can recall how my annual reports to the Council, and my yearly thematic reports to the General Assembly, reflected the evolution of my concerns.

My report to the Human Rights Council in 2019 focused on the rights of children, notably children deprived of liberty. In 2020, I paid special attention to economic, social and cultural rights, overviewing notably discrimination against Belarusian language. In 2021, it was on the right to education – including in Belarusian, by the way. In 2022, I covered the constitutional reform. And last year, the right to freedom of expression, which has been reduced to almost nothing as a result of legislative changes and repressive practices against all those who dare to express dissenting views.

The five reports I have presented so far to the General Assembly focused on the following themes: human rights during electoral processes; the administration of justice; the human rights of women and girls, in 2021; the rights of Belarusians compelled to exile; and the instrumentalization of the legislation against extremism and terrorism, last year.

Alongside these reports, my mandate, together with relevant thematic mandate-holders, addressed the Government of Belarus numerous communications – on average, 10 per year. Unfortunately, since 2021 we note a drastic decrease in the reply rate, which stands at 10% now. Simultaneously, Belarusian delegates have stopped attending my interactive dialogues. This is regrettable, of course, since cooperation with Special Procedures would give the Government an opportunity to receive useful advice on how to improve the situation and comply with its international obligations.

Instead, the authorities of Belarus have embarked on a dangerous slope, the most important stages of which I wish to outline now:

* First, banalization of State violence, up to the systematic use of torture and cruel or inhuman treatment against people detained on political grounds;
* The criminalization of dissent, by policing peaceful assemblies, including online, and further restricting the right to freedom of expression under the pretext of fighting extremism;
* Retroactive attempts at legalizing arbitrary detentions and repression, by amending the already restrictive law, which discriminates against all those holding positions critical of the government and its policies;
* Expanding the application of the death penalty;
* Purging civic space from all independent associations – NGOs, political parties, trade unions, bar associations, cultural and religious associations, and online communities;
* Intimidation and retaliation against victims of human rights violations and their relatives for cooperation with international human rights mechanisms. One manifestation of this deliberate policy is the growing trend to hold political prisoners incommunicado for several months in a row. In some cases, for lack of information on the fate and whereabouts of the prisoner, this may amount to enforced disappearance;
* This multifaceted repression has pushed hundreds of thousands of Belarusians to exile, with no possibility for a safe return home. The authorities are trying to make their lives more complicated. They do it by restricting consular services for Belarusian citizens abroad, by generalizing the practice of trials in absentia against alleged “extremists”, or misusing Interpol red notices to try and have dissidents extradited back to Belarus, where, I should remind, they will surely be subjected to further violations of their human rights.
* This is also because, and this is my last point, there are no fair trial guarantees in Belarus. And, therefore, no guarantee of non-reoccurrence: for as long as perpetrators of human rights violations are not held accountable, they will continue violating human rights with a sense of impunity.

This vicious circle must be broken. This is why, together with Belarusians, I am pinning all my hopes in the accountability mechanism established in 2021 by the Council, whichconcluded that some of these violations could amount to crimes against humanity. The testimonies and evidence gathered by the experts, by the OHCHR will be crucial for prosecutors to adjudicate these crimes, whether in an ad hoc tribunal, at the ICC, or in foreign courts, pursuant of the universal jurisdiction principle.

I am looking forward to seeing justice rendered for the victims, and perpetrators held to account. What will the future hold is hard to predict, however: a new electoral cycle has opened, amid a very volatile geopolitical situation in the region. As Belarus will undergo its next UPR cycle, I call all States to do their part and follow-up on earlier recommendations that remain to be implemented.

Meanwhile, and to conclude, I wish to express my gratitude to all those who have supported me during these years. I have an immense respect for the Belarusian people. Belarusians can be praised for having remained peaceful all these decades, while fighting for their rights. This is what makes them so resilient. Their courage and dignity are a lesson of humility for all of us. It has been an honour to work with you, dear co-panelists. Let me wish good luck to you, your fellow human rights defenders and compatriots. Keep up with good work.

Thank you for your attention.