

information on education, characteristics of urban and rural populations, birth and mortality rates, health statistics, personal finances, housing and employment. The report does not provide information on the structure of government and the legal framework for the protection of human rights.

Economic, Social and Cultural Rights

Signed: 19 March 1968; ratified: 12 November 1973.
Belarus's fourth periodic report is due 30 June 1999.

Civil and Political Rights

Signed: 19 March 1968; ratified: 12 November 1973.
Belarus's fifth periodic report is due 4 November 1998.
Reservations and Declarations: Declaration under article 41.

Optional Protocol: Acceded: 30 September 1992.

Belarus's fourth periodic report (CCPR/C/84/Add.4, CCPR/C/84/Add.7) was considered by the Human Rights Committee at its October/November 1997 session. The report contains information on a number of provisions in the Constitution adopted on 15 March 1994, including those related to: separation of powers, elections, state structures, judicial authority, rights and freedoms, self-determination and the relationship between domestic and international law. Information is also provided on laws concerning monopolies and competition, consumer protection, religions and religious freedom, the environment, ethnic minorities, police powers and foreign citizens and stateless persons. Commentary is included on amendments to the Criminal Code and refers to, *inter alia*, the concept of crime, the death penalty, crimes against the state, criminal liability and criminal procedures. As well, summary information is provided on laws and statutes regulating the armed forces.

The Committee's concluding observations and comments (CCPR/C/79/Add.86) view positively: the steps taken to improve the situation of women; the creation of a Women's Crisis Centre to shelter women who are victims of rape or domestic violence; and the decision of the Constitutional Court declaring the retroactive operation of a criminal law invalid under article 15 of the ICCPR, thereby establishing the supremacy of the Covenant over domestic law.

Among the subjects that the Committee viewed with concern were: the deterioration in the human rights situation since the Committee reviewed Belarus's third periodic report in 1992; the persistence of political attitudes that are intolerant of dissent or criticism and that oppose the full promotion and protection of human rights; the lack of legislative limits on executive powers; the growing concentration of powers, including legislative, in the executive and an absence of judicial control; the high number of crimes still punishable by the death penalty, decrees defining new crimes to which the death penalty applies, and the high number of death sentences actually carried out; the secrecy surrounding all stages of death penalty procedures; the numerous allegations of ill-treatment by police and other law enforcement officials during peaceful demonstrations, on arrest and in detention; the high number of cases in which police and other security officials use weapons; the failure to investigate and prosecute cases of abuse of force by police and security officials and the de facto impunity this creates; the provision allowing for pre-trial detention of up to 18 months; the provision that the Procurator and not a judge is competent to decide upon the continuance of pre-trial

detention; lack of clarity as to whether there is a right to challenge the lawfulness of detention before a court; the provision that supervision of places of detention is under the competence of the Procurator Office and lack of an independent mechanism to receive and investigate complaints by detainees; and, conditions in prisons.

The Committee also expressed concern over: the number of unreasonable restrictions imposed by law on the right to leave the country; the procedures relating to tenure, discipline and dismissal of judges at all levels; the power of the President to dismiss at will judges of the Constitutional Court and the Supreme Court; the failure of the President to respect the decisions of the Constitutional Court and observe the rule of law; the adoption of a presidential decree which gives the Ministry of Justice the power to licence lawyers and obliges lawyers to be members of a centralized Collegium, controlled by the Ministry, in order to practice; reports of arbitrary infringements on the right to privacy, in particular with regard to telephone tapping and house searches; the provision that decisions on the legality of measures such as wire tapping and searches are made by the General Procurator without court review.

The Committee expressed deep concern about numerous and serious legal infringements of the right to freedom of expression, related to: state ownership of media; the fact that editors-in-chief of state-supported newspapers are state employees; a presidential decree imposing severe restrictions on the freedom to import and export information; reports of harassment and intimidation of local and foreign journalists by the authorities; and, denial of access to public broadcasting facilities for political opponents. The Committee also expressed concern at severe restrictions imposed on freedom of assembly, including: denial of permits to hold public demonstrations; imposition of strict limits on the organization and preparation of demonstrations; and bans on the use of posters, banners or flags that "insult the honour and dignity of officials of state organs" or "are aimed at damaging the State and public order and the rights and legal interests of citizens".

The Committee also drew attention to difficulties that non-governmental organizations and trade unions encountered with the registration procedures, as well as to reports that human rights activists have been intimidated and harassed by authorities, sometimes leading to arrests and the closure of NGO offices. As well, the Committee noted with concern that there is no independent mechanism to investigate and monitor allegations of human rights violations, and that citizens have received very little information about the complaint procedure available to them under the Optional Protocol.

The Committee recommended that the government:

- ▶ restrict application of the death penalty to the most serious crimes and consider abolition of the death penalty at an early date;
- ▶ conduct a thorough review of legislation and decrees to ensure their compliance with the Covenant;
- ▶ ensure that allegations of ill-treatment and unlawful use of weapons by security and police are promptly and impartially investigated by an independent body;