

Rights of the Child

Signed: 26 January 1990; ratified: 1 October 1990.

Belarus's second periodic report was due 30 October 1997.

Sub-Commission on Prevention of Discrimination and Protection of Minorities

At its 1998 session the Sub-Commission adopted by secret ballot a resolution (1998/1) on the situation of human rights in Belarus. The vote was 17 in favour, 4 opposed, 3 abstentions. The Sub-Commission, *inter alia*: recalled that Belarus is a party to the major human rights Covenants and Conventions as well as the four Geneva Conventions of 1949; noted Commission resolution 1998/42 appealing to all states to ensure respect and support for the rights of all persons who exercise the rights to freedom of opinion, expression, to seek, receive and impart information, thought, conscience, religion, peaceful assembly and association and the right to take part in the conduct of public affairs, or who seek to promote and defend these rights and freedoms; recalled Commission resolution 1998/21 in which the Commission recognized that tolerance and pluralism strengthen democracy, facilitate the enjoyment of all human rights and constitute a sound foundation for civil society, social harmony and peace; and recalled Commission resolution 1998/35 in which the Commission stated that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice. The Sub-Commission: expressed deep concern at reports that Belarusian authorities unlawfully imprison, detain or otherwise harass political leaders, journalists and human rights defenders when they attempt to exercise their right to free expression, resulting in a climate of fear and intolerance; expressed concern at the concentration of legislative power in the executive branch of government and a weak judiciary whose independence has been continuously undermined, to the extent that the rule of law has not been preserved; called upon the government to lift restrictions on freedom of expression which limit a citizen's right to criticize the government — without incitement to violence — or those who occupy a position of power and authority; called on the government to comply with international human rights law by protecting the integrity and rights of journalists and human rights workers by allowing them to investigate, publish, and report on abuses of power and violations of human rights; called on the government to take effective steps to ensure the independence of the judiciary; and took note of the activities of the UNDP and the OSCE for the protection of human rights in Belarus, and encouraged the government to continue its cooperation with these activities. The Sub-Commission decided to recommend that the Commission on Human Rights consider the situation of human rights in Belarus at its 1999 session and invite international organizations, such as the Council of Europe and the OSCE, to help promote the protection of human rights in Belarus. The Sub-Commission decided that if the Commission is unable to take action on the sit-

uation of human rights in Belarus, to continue consideration of the matter at the Sub-Commission's 1999 session under the same agenda item.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1998/68, paras. 12, 17, 29, 57, 65; E/CN.4/1998/68/Add.1, para. 29)

The report notes communications sent to the government involving death threats, the death of one woman, and a death which occurred while the victim was carrying out peaceful activities in defence of human rights and fundamental freedoms. The urgent appeal in response to death threats related to the case of a human rights defender, a woman, who was working for the Belorussian Helsinki Committee. The threats were uttered by two men who introduced themselves as "young Belorussian patriots" and information indicated that the two were believed to be members of the "Belarus Patriotic Youth Union", an organization which, despite the fact that it claims to be independent, was allegedly established and financed by the President. Reports also indicated that one of the men who had threatened her had stepped out of a car bearing a police license plate.

Freedom of opinion and expression, Special Rapporteur on: (E/CN.4/1998/40, paras. 3, 7, 8, 23, 26, 69–75)

The main report refers to the mission undertaken by the Special Rapporteur (SR) to Belarus and the concerns that had been expressed over biased coverage of the elections in 1995 and the November 1996 referendum. The SR also transmitted concerns to the government with regard to proposed amendments to the Act on the Press and other Mass Media which were approved by the lower chamber of the Parliament in late June 1997 and appear to have a serious impact on the freedom of the media. Individual cases referred to the government related to the detention of several persons, allegedly in connection with an incident associated with the filming of the Belorussian border with Lithuania in July 1997. Reports indicated that the individuals were held on charges of violating article 80 of the Criminal Code for illegal border crossing. The offices of Russian Public Television (ORT) and the home of one of those detained were searched by police and various documents were confiscated. Reports further indicated that several journalists protesting were also arrested. The SR also transmitted to the government cases related to the withdrawal of accreditation from individuals associated with ORT and the Russian independent television channel NTV. The credentials were withdrawn on the basis that the reports filed by the journalists were considered to present biased information about events in Belarus and the dissemination of such tendentious material had resulted in the misinformation of the public, both in Belarus and Russia.