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Joint Submission

Belarus

International Bar Association's Human Rights Institute and Belarusian
Association of Human Rights Lawyers

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This report, produced by the International Bar Association's Human Rights Institute (IBAHRI) and the Belarusian Association of Human Rights Lawyers, focuses on the situation of human rights in Belarus, attacks on the legal profession and on the independence and impartiality of the judiciary, the failure to provide access to a fair trial, and politically motivated prosecutions and the suppression of freedoms.

International Bar Association's Human Rights Institute

The International Bar Association ("IBA"), established in 1947, is the world's leading organisation of international legal practitioners, bar associations, and law societies. The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of 80,000 individual lawyers and more than 190 Bar Associations and Law Societies, spanning all continents. The IBA's Human Rights Institute, an autonomous and financially independent entity, works with the global legal community to promote and protect human rights and the independence of the legal profession worldwide.

The Belarusian Association of Human Rights Lawyers

The Belarusian Association of Human Rights Lawyers was founded in April 2023. Its members are primarily Belarusian lawyers who provided legal assistance to victims of politically motivated persecution and were arbitrarily deprived of their right to practice law. The Association currently has 20 members, most of whom have extensive experience in defending victims of political repression in Belarus. On June 20, 2023, the Parliamentary Assembly of the Council of Europe, in its Resolution No. 2499, recognized the Belarusian Association of Human Rights Lawyers as an organization entrusted with the mission of protecting repressed Belarusian lawyers and enhancing the provision of legal aid.¹

¹ <https://pace.coe.int/en/files/32899/html>.

I. Introduction: The Situation of Human Rights in Belarus

1. The human rights situation in Belarus has markedly deteriorated following the contested August 2020 presidential elections and the political crisis that ensued, with the government implementing a deliberate and systematic strategy to suppress dissent. This has manifested in widespread violations of fundamental rights, including politically motivated prosecutions, the arbitrary deprivation of liberty, and the persecution of individuals both within and beyond Belarusian borders.² It is estimated that up to half a million Belarusians remain in exile to escape repression following the 2020 elections.³ Notably, there has been an emerging pattern of collective punishment, whereby the relatives of human rights defenders (HRDs) and political dissidents have been subjected to harassment and reprisals, in violation of the prohibition of collective punishment under international law.⁴ The Office of the United Nations High Commissioner for Human Rights (OHCHR) has concluded that crimes against humanity may have been committed by state agents in the aftermath of the 2020 elections, yet the government has refused to facilitate independent investigations, reinforcing a culture of impunity.⁵
2. The erosion of civic space has been affected through repressive legislative measures targeting civil society organisations, opposition political parties, independent trade unions, minority religious groups, and lawyers.⁶ The judiciary's independence has been systematically undermined through constitutional and legislative amendments that have facilitated executive control over legal institutions.⁷ The Belarus Republican Bar Association and regional bar associations, rather than safeguarding the independence of the legal profession, have been instrumentalised by the Ministry of Justice to sanction and disbar lawyers handling politically sensitive cases,⁸ violating the UN Basic Principles on the Role of Lawyers.⁹ As a result, the fundamental principle of the separation of powers has been effectively dismantled. Furthermore, national security laws, formulated in vague and overly broad terms, have been weaponised to criminalise dissent and restrict freedom of expression.¹⁰

² A/HRC/56/65, para. 3 (2024).

³ PISM, 'Belarusians in Exile: Countries of the EU, Council of Europe Seek to Support Repressed Abroad' 30 December 2024, available at: <https://pism.pl/publications/belarusians-in-exile-countries-of-the-eu-council-of-europe-seek-to-support-repressed-abroad>.

⁴ A/HRC/56/65, para. 3 (2024).

⁵ A/HRC/52/68 and A/HRC/52/68/Corr.1, para. 54; A/HRC/55/61, paras. 51 and 52.

⁶ A/HRC/56/65, para. 5 (2024).

⁷ A/HRC/56/65, para. 44 (2024).

⁸ Report of the Coalition for the International Day of the Endangered Lawyer (24 Jan. 2025) <https://dayoftheendangeredlawyer.eu/wp-content/uploads/2025/01/DEL-2025-Report-Final-for-publication-1.pdf>.

⁹ United Nations Basic Principles on the Role of Lawyers (7 Sept. 1990), <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers>.

¹⁰ Report of the Coalition for the International Day of the Endangered Lawyer (24 Jan. 2025) <https://dayoftheendangeredlawyer.eu/wp-content/uploads/2025/01/DEL-2025-Report-Final-for-publication-1.pdf>.

3. The ongoing human rights crisis in Belarus continues to deepen, with the recent presidential election on January 26 2025, serving as a further demonstration of the Government's authoritarian entrenchment.¹¹ Independent monitoring by the *Human Rights Defenders for Free Elections* campaign revealed widespread electoral manipulation, with the authorities exercising complete control over all stages of the process.¹² This election campaign was marred by numerous violations of Belarusian electoral legislation and failed to meet international democratic standards.¹³ Belarus has faced widespread international condemnation due to its persistent human rights violations and elections that lack credibility, resulting in the imposition of sanctions and the European Union, United Kingdom, and United States refusing to recognise Lukashenko as the legitimate president.¹⁴
4. Belarus has demonstrated a persistent failure to comply with international and regional human rights mechanisms, refusing to implement recommendations concerning fundamental rights, including those aimed at restoring judicial independence and ensuring access to justice.¹⁵ In 2023, the government withdrew from the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), thereby depriving Belarusian citizens of the ability to submit individual complaints to the United Nations Human Rights Committee (HRC).¹⁶ The state has persistently failed to implement recommendations issued through the Universal Periodic Review (UPR), with only minimal progress on issues such as poverty eradication, education, and disability rights.¹⁷ Systematic denial of implementation has been observed regarding recommendations concerning politically motivated persecution, the release of political prisoners, and the rights of marginalised groups.¹⁸ Alarming, the government has marked an increasing number of UPR recommendations as “already implemented”, despite evidence to the contrary.¹⁹

II. Politically Motivated Prosecutions and Suppression of Freedoms

1. The Belarusian government has systematically targeted lawyers, human rights defenders, and journalists, significantly curtailing their freedom of speech, expression,

¹¹ Viasna, ‘Human Rights Situation in Belarus. January 2025’ 7 February 2025, available at: <https://spring96.org/en/news/117384>.

¹² Viasna, ‘Human Rights Situation in Belarus. January 2025’ 7 February 2025, available at: <https://spring96.org/en/news/117384>.

¹³ Viasna, ‘Human Rights Situation in Belarus. January 2025’ 7 February 2025, available at: <https://spring96.org/en/news/117384>.

¹⁴ Secretary of State, ‘Denouncing Sham Elections and Continued Repression in Belarus’ 17 January 2025, , available at: <https://2021-2025.state.gov/denouncing-sham-elections-and-continued-repression-in-belarus>.

¹⁵ Report of the Coalition for the International Day of the Endangered Lawyer (24 Jan. 2025) <https://dayoftheendangeredlawyer.eu/wp-content/uploads/2025/01/DEL-2025-Report-Final-for-publication-1.pdf>.

¹⁶ A/79/201, para. 29 (2024).

¹⁷ A/79/201, para. 11 (2024).

¹⁸ A/79/201, para. 13 (2024).

¹⁹ A/79/201, para. 12 (2024).

and association. Lukashenko has explicitly expressed his disdain for defence lawyers, declaring that “A defence lawyer is a public servant, and his actions must be based on legal norms and not some imaginary norms like freedom of speech and other freedoms... We have had enough of those freedoms”.²⁰ Since 2020, the harassment of lawyers in Belarus has escalated, peaking during election periods.²¹ Legal professionals have been subjected to professional reprisals, including the revocation of their licences to practice, journalists have been arbitrarily detained or forced into exile, and media outlets and civil society organisations have been dissolved, further eroding civic space.²² For instance, Maksim Znak, a prominent Belarusian lawyer and opposition figure, was politically prosecuted for his legal representation of opposition candidates, including Viktor Babaryka and Sviatlana Tsikhanouskaya, in the 2020 presidential elections.²³ In September 2021, Znak was sentenced to 10 years in a high-security penal colony. (See **Annex A** for further information on lawyers whose rights have been violated.) At least 6 lawyers remain in prison for their professional activities: **Alexander Danilevich**, sentenced 6 years in prison for providing legal assistance to opponents of the political regime, **Vitali Braginiec**, sentenced to 8 years in prison for calling for sanctions and other fabricated charges, **Yulia Yurgilevich**, sentenced to 6 years in prison for allegedly facilitating extremist activities—effectively for sharing information about her disbarment with a journalist, **Alexey Borodko** and **Anastasia Lazarenko**, sentenced to 6 years in prison on politically motivated charges.²⁴ The UN Working Group on Arbitrary Detention recognised the arrest of Maksim Znak and Vitali Braginiec as arbitrary and demanded their release.²⁵ Human rights defenders and organisations cooperating with UN investigations have reportedly faced reprisals,²⁶ and no human rights organisation has been able to obtain official registration in the country.

2. Concerns have been raised regarding the imposition of non-disclosure agreements on lawyers, as well as the practice of holding trials in absentia, where accused individuals are denied the opportunity to participate in proceedings or access essential case materials. For instance, Aliaksei Barodka, a lawyer who represented clients in politically sensitive cases, was sentenced to six years in a high-security penal colony

²⁰ The Telegraph, ‘Belarus crackdown targets not just political activists but also their lawyers’ <https://www.independent.co.uk/news/alexander-lukashenko-ap-belarus-lawyers-tallinn-b2359657.html>.

²¹ A/HRC/56/65, para. 115.

²² Chatham House, “Human rights violation in Belarus”, 24 January 2024, available at: <https://www.chathamhouse.org/2024/01/human-rights-violations-belarus>.

²³ Following Lukashenko’s widely disputed re-election, Znak became a key member of the Opposition Coordination Council (OCC), advocating for democratic reform. In September 2020, amid widespread crackdowns on opposition figures, he was arrested on politically motivated charges, including ‘plotting to seize state power unconstitutionally’ and “creating and leading an extremist group”. His trial was conducted in secret, with no transparency regarding the charges or evidence against him. His imprisonment has been condemned internationally, with the UN Working Group on Arbitrary Detention deeming his detention a violation of international human rights law. He is now being held incommunicado, denied access to his family, independent medical professionals, or legal counsel.

²⁴ <https://www.hrw.org/news/2024/05/27/belarus-crackdown-human-rights-lawyers>.

²⁵ [A/HRC/WGAD/2022/24](#), [A/HRC/WGAD/2023/64](#).

²⁶ A/HRC/48/28, paras. 40 and 41.

in June 2023 on charges of “inciting hatred and enmity”.²⁷ Arrested in January 2023, he has remained in detention since. Due to a non-disclosure agreement, his lawyer has been unable to share case details, leaving the circumstances of his prosecution opaque. (See **Annex A** for further cases.) These practices severely undermine the right to a fair trial and prevent defendants from mounting an effective defence.

3. Arbitrary detentions and politically motivated prosecutions remain widespread, with Viasna Human Rights Centre, a Belarusian civil society organisation, recording at least 506 instances of repression, including arrests, searches, and other forms of state persecution, in January 2025 alone.²⁸ This includes additional border checks and detentions of individuals crossing into Belarus, further restricting freedom of movement.²⁹ Reports of torture and inhumane treatment of political prisoners persist, as human rights defenders continue to collect and document evidence of these abuses.³⁰ According to Viasna, as of February 2025, at least 7,915 individuals have faced politically motivated prosecutions, with 6,650 convictions recorded.³¹ The organisation has also delineated that, as of February 2025, 1,229 individuals remain political prisoners in Belarus.³² As reported by the Belarusian Association of Journalists, as of the end of 2024, 37 media representatives remain imprisoned.³³ The Belarusian authorities’ systematic misuse of criminal and administrative charges as instruments of repression further entrenches a climate of fear and impunity, undermining fundamental rights and the rule of law.
4. The Government has weaponised vague and overly broad anti-extremist and anti-terrorism legislation to criminalise dissent, silencing opposition voices.³⁴ PEN Belarus reported in August 2024 that, since 2020, more than 400 individuals have been added to the state’s terrorist list, while over 4,000 people were designated as ‘extremists’ under the *List of Citizens of the Republic of Belarus, Foreign Citizens, or Stateless*

²⁷ “*I Swear to Fulfill the Duties of Defense Lawyer Honestly and Faithfully. Politically Motivated Crackdown on Human Rights Lawyers in Belarus*,” Human Rights Watch, Belarusian Association of Human Rights Lawyers, Right to Defence Project, 2024, p. 57.

²⁸ Viasna, ‘List of political prisoners and persons convicted in political criminal cases’ last updated 10 February 2025, available at: <https://prisoners.spring96.org/en#news>.

²⁹ Viasna, ‘List of political prisoners and persons convicted in political criminal cases’ last updated 10 February 2025, available at: <https://prisoners.spring96.org/en#news>.

³⁰ Viasna, ‘List of political prisoners and persons convicted in political criminal cases’ last updated 10 February 2025, available at: <https://prisoners.spring96.org/en#news>.

³¹ Viasna, ‘Human Rights Situation in Belarus. January 2025’ 7 February 2025, available at: <https://spring96.org/en/news/117384>.

³² Viasna, ‘List of political prisoners and persons convicted in political criminal cases’ last updated 10 February 2025, available at: <https://prisoners.spring96.org/en#news>.

³³ Belarusian Association of Journalists, ‘Repressions against journalists in Belarus 2024, list of colleagues in prison’, available at: <https://baj.media/en/aglyady-manitoringi/repressions-against-journalists-belarus-2024-list-colleagues-prison/>.

³⁴ Chatham House, “Human rights violation in Belarus”, 24 January 2024, available at: <https://www.chathamhouse.org/2024/01/human-rights-violations-belarus>.

Persons Involved in Extremist Activities.³⁵ By February 2025, this number had risen to 4,900, with 90 new additions recorded in January 2025 alone.³⁶ The arbitrary and politically motivated application of such legal frameworks reflects the government's ongoing efforts to entrench authoritarian control through legislative repression and systematic persecution of perceived adversaries

III. The Independence and Impartiality of the Judiciary and the Legal Profession

The Independence and Impartiality of the Judiciary:

5. The UN Basic Principles on the Independence of the Judiciary provides that:
 - (a) "The judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason"; and
 - (b) "The independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the country. It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary".³⁷
6. In March 1994, Belarus adopted a new Constitution that enshrined the principle of separation of powers, established the judiciary as an independent branch of government, and formally recognised its autonomy under Article 6.³⁸ However, this framework was severely undermined in 1996 when a constitutional referendum significantly expanded President's authority. The referendum granted him control over judicial appointments and dismissals, as well as broad legislative powers, effectively consolidating executive dominance.³⁹ The resulting power imbalance severely weakened the independence of the judiciary. At the time, the Constitutional Court refused to recognise the legitimacy of the referendum and openly condemned its outcome.⁴⁰ The use of referendums, conducted with numerous violations, to consolidate executive control has systematically eroded the rule of law and

³⁵ PEN Belarus, '4 Years of Repression in Belarus in General and in the Cultural Sector: Trends from June 2020 to June 2024' 22 July 2024, available at: https://penbelarus.org/wp-content/uploads/2024/07/4-years-eng_1.pdf.

³⁶ Viasna, 'Human Rights Situation in Belarus. January 2025' 7 February 2025, available at: <https://spring96.org/en/news/117384>

³⁷ The UN Basic Principles on the Independence of the Judiciary (6 September 1985) <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-independence-judiciary#:~:text=The%20judiciary%20shall%20decide%20matters,quarter%20or%20for%20any%20reason.>

³⁸ Alexander Vashkevich, 'Judicial "Independence" in Belarus: Theory and Practice' (Gdańskie Studia Prawnicze: Rok XXIV. nr 4 (48)/2020), p. 44.

³⁹ Report of the Coalition for the International Day of the Endangered Lawyer (24 Jan. 2025) <https://dayoftheendangeredlawyer.eu/wp-content/uploads/2025/01/DEL-2025-Report-Final-for-publication-1.pdf>.

⁴⁰ Report of the Coalition for the International Day of the Endangered Lawyer (24 Jan. 2025) <https://dayoftheendangeredlawyer.eu/wp-content/uploads/2025/01/DEL-2025-Report-Final-for-publication-1.pdf>.

dismantled the principle of separation of powers in Belarus.⁴¹

7. Subsequent constitutional amendments and referendums have further entrenched executive supremacy. For instance, in 2022, a referendum established the All-Belarusian People's Assembly, a new parliamentary chamber with sweeping authority, including the power to determine the legitimacy of presidential and parliamentary elections.⁴² This Assembly, which first met in April 2024, lacks independence, as its leadership is directly appointed by the President, who also serves as its chair.⁴³ Additionally, the amendment to the law On the President of the Republic of Belarus, enacted on 3 January 2024, imposes a stringent eligibility criteria for presidential candidates, requiring them to be Belarusian citizens by birth, at least 40 years old, residing in Belarus for a minimum of 20 years prior to elections, and free from any foreign citizenship or residence permit.⁴⁴ Additionally, the law grants former presidents lifelong immunity from criminal prosecution for actions committed in connection with their presidential duties. It also ensures that, upon resignation, the president is guaranteed a permanent seat in the upper house of the Belarusian Parliament.⁴⁵ The amendment serves to consolidate Lukashenko's three-decade rule. By barring political figures who have fled the country due to persecution from contesting elections, and granting Lukashenko immunity from prosecution, the law effectively eliminates opposition and shields the President from legal accountability for human rights violations. Thus, an authoritarian system in which checks and balances are virtually non-existent has been cemented in Belarus, allowing the executive to dominate all branches of government.
8. Successive UN Special Rapporteurs on the situation of Belarus, reporting to the UN HRC, as well as their predecessors under the Commission on Human Rights, have consistently raised concerns regarding the increasing dependence of the judiciary and the legal profession on the executive, alongside the systematic harassment of

⁴¹ Alexander Vashkevich, 'Judicial "Independence" in Belarus: Theory and Practice' (Gdańskie Studia Prawnicze: Rok XXIV. nr 4 (48)/2020), p. 45.

⁴² A/HRC/50/58, paras. 61 and 62.

⁴³ A/HRC/50/58, paras. 61 and 62.

⁴⁴ President of the Republic of Belarus, "Alexander Lukashenko signed comprehensive amendments to the Law "On the President of the Republic of Belarus"", 3 Jan 2024, available at:

https://president.gov.by/ru/events/aleksandr-lukashenko-podpisal-kompleksnye-popravki-v-zakon-o-prezidente-respubliki-belarus_.

⁴⁵ The Guardian, "Belarus President signs law granting him lifelong immunity from prosecution", 4 Jan 2024, available at: <https://www.theguardian.com/world/2024/jan/04/belarusian-president-alexander-lukashenko-signs-law-granting-him-lifelong-immunity-from-prosecution>.

⁴⁶ A/56/44, paras. 45 (d), (f), (g), 46 (d) (Committee against Torture, 2001); CERD/C/65/CO/2, para. 12 (2004); CAT/C/BLR/CO/4, para. 12 (2011); CERD/C/BLR/CO/18-19, para. 14 (2013). E/C.12/BLR/CO/4-6, para. 6 (Committee on Economic, Social and Cultural Rights, 2013). CERD/C/BLR/CO/20-23, paras. 21 and 22 (2017); CAT/C/BLR/CO/5, paras. 11, 44 and 45 (2018); CCPR/C/BLR/CO/5, paras. 39–42 (2018).

lawyers.⁴⁶

9. Belarus has repeatedly opted to “accept” or “accept as already implemented” recommendations concerning fair trial guarantees⁴⁷ and judicial independence⁴⁸ during its previous Universal Periodic Reviews. However, it has consistently disregarded specific recommendations to devolve the appointment, suspension, and removal of judges to independent, self-governing judicial bodies.⁴⁹

The Independence and Impartiality of the Legal Profession:

10. The United Nations Basic Principles on the Role of Lawyers establishes key protections for the legal profession, recognising the crucial role lawyers play in engendering justice.⁵⁰ Additionally, the Principles explicitly underscore the vital importance of professional associations of lawyers in “protecting their members from persecution and improper restrictions and infringements”⁵¹ and in the exercise of their “functions without external interference”.⁵² The Principles affirm that lawyers must not be identified with their clients or causes while fulfilling their professional duties,⁵³ and Governments are obliged to guarantee that lawyers:
 - (a) “Are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference.
 - (b) are able to travel and to consult with their clients freely both within their own country and abroad; and
 - (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognised professional duties, standards and ethics.”⁵⁴
11. Belarus is party to the International Covenant on Civil and Political Rights (ICCPR), which protects individuals, including lawyers, from arbitrary arrest or detention under Article 9 and protects the rights to freedom of expression and assembly under Articles 19 and 21.⁵⁵ Belarus has also ratified the International

⁴⁶ A/56/44, paras. 45 (d), (f), (g), 46 (d) (Committee against Torture, 2001); CERD/C/65/CO/2, para. 12 (2004); CAT/C/BLR/CO/4, para. 12 (2011); CERD/C/BLR/CO/18-19, para. 14 (2013). E/C.12/BLR/CO/4-6, para. 6 (Committee on Economic, Social and Cultural Rights, 2013). CERD/C/BLR/CO/20-23, paras. 21 and 22 (2017); CAT/C/BLR/CO/5, paras. 11, 44 and 45 (2018); CCPR/C/BLR/CO/5, paras. 39–42 (2018).

⁴⁷ A/HRC/15/16, para. 97.28 (2010); A/HRC/15/16/Add.1, paras. 16–21 (98.8) and paras. 73–75 (98.26) (2010).

⁴⁸ A/HRC/15/16/Add.1, paras. 70–72 (98.25) (2010); A/HRC/30/3/Add.1, paras. 129.51, 129.53 (2015); A/HRC/46/5/Add.1, para. 20 (138.186) (2020).

⁴⁹ A/HRC/30/3/Add.1, para. 129.54 (2015).

⁵⁰ United Nations Basic Principles on the Role of Lawyers (7 Sept. 1990), <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers>

⁵¹ See U.N. Basic Principles on the Role of Lawyers, Preamble.

⁵² See U.N. Basic Principles on the Role of Lawyers, Principle 24(1).

⁵³ See U.N. Basic Principles on the Role of Lawyers, Principle 18.

⁵⁴ See U.N. Basic Principles on the Role of Lawyers, Principle 16.

⁵⁵ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR).

Covenant on Economic, Social and Cultural Rights (ICESCR) which guarantees the right to work under Article 6. This provision affirms that all individuals (relevantly, lawyers) have the right to earn a livelihood through freely chosen or accepted employment, with states obligated to take appropriate measures to protect this right.⁵⁶

12. The systematic repression of lawyers and dismantling of the legal profession in Belarus represents a direct violation of fundamental legal principles, including the right to independent legal representation, effective functioning of the rule of law, and access to justice. This crackdown, orchestrated through repressive legislative measures, politically motivated prosecutions, and interference with bar associations, contravenes the Treaty obligations and Basic Principles referred to above.
13. The Government has sought to suppress legal independence by amending legislation that governs the legal profession. Belarus' Law on the Bar, enacted in 1993, was largely consistent with both domestic and international legal standards.⁵⁷ However, on 30 December 2011, amid a climate of repression targeting lawyers defending political opponents of the 2010 government, Belarus introduced the Law on the Bar and Practice of Law.⁵⁸ This legislation aimed to consolidate all legal professionals under the Belarusian Republican Bar Association (BRBA) to strengthen the State's control over the legal profession.⁵⁹ In May 2021, amendments to the Law on the Bar and Advocacy in Belarus (Law No. 113-Z) significantly strengthened the executive's control over lawyers' associations and prohibited lawyers from practising individually or in lawyers' bureaus. Advocates are allowed to practise in legal advice offices, the heads of which are appointed with the consent of the state body, the Ministry of Justice.⁶⁰

Control by the executive Branch:

14. The May 2021 amendments empowered the Ministry of Justice (MOJ) with significant authority over Belarus' legal profession, with noteworthy changes including:⁶¹

⁵⁶ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR).

⁵⁷ Report of the Coalition for the International Day of the Endangered Lawyer (24 Jan. 2025) <https://dayoftheendangeredlawyer.eu/wp-content/uploads/2025/01/DEL-2025-Report-Final-for-publication-1.pdf>.

⁵⁸ Report of the Coalition for the International Day of the Endangered Lawyer (24 Jan. 2025) <https://dayoftheendangeredlawyer.eu/wp-content/uploads/2025/01/DEL-2025-Report-Final-for-publication-1.pdf>.

⁵⁹ Report of the Coalition for the International Day of the Endangered Lawyer (24 Jan. 2025) <https://dayoftheendangeredlawyer.eu/wp-content/uploads/2025/01/DEL-2025-Report-Final-for-publication-1.pdf>.

⁶⁰ Law of the Republic of Belarus of May 27, 2021, No. 113-Z (National Legal Internet Portal of the Republic of Belarus, 05/29/2021, 2/2833).

⁶¹ Law on Amendments to the Law on the Bar, Law of the Republic of Belarus No. 113-3 (27 May 2021).

- (a) Every candidate seeking admission to the bar, including those applying for the position of bar association chair, must obtain approval from the Ministry of Justice.
 - (b) The Ministry is authorised to establish professional ethics rules for lawyers.
 - (c) The Ministry is empowered to monitor lawyers, law firms, and bar associations for compliance with these ethical standards and initiate disciplinary proceedings for alleged violations.
 - (d) The appointment of bar association chairs is subject to approval by the Ministry of Justice.
 - (e) The Ministry can also dismiss bar association chairs if the Qualification Commission, which operates under its control, finds them in breach of professional ethics.
 - (f) Officials from the Ministry of Justice are now permitted to participate in bar association activities and demand access to any documents from the bar or individual lawyers.⁶²
15. The Ministry of Justice also gained sweeping powers to monitor lawyers, initiate disciplinary proceedings, and impose ethical standards that effectively silence dissent.
16. The 2021 amendments gave the Ministry arbitrary authority to: suspend or revoke law licences, obtain information and documents from bar associations, legal advice offices, and individual lawyers, initiate disciplinary proceedings against lawyers and suspend them from practice while investigations are ongoing, and demand “extraordinary attestations” to assess a lawyer’s qualifications.⁶³ The threat of disbarment has been weaponised as a tool of arbitrary pressure against lawyers perceived as critical of the government, particularly those who defend politically sensitive clients.⁶⁴ For instance, on 29 May 2023, the Qualification Commission carried out an unscheduled performance assessment of lawyers, resulting in the disbarment of four individuals, Yuri Kozikov, Artem Semyanov, Alexander Ulasevich, and Svetlana Yakusheva.⁶⁵ Kozikov and Semyanov faced disciplinary action for alleged conduct that “undermined the status of a lawyer and the Bar”, a

⁶² Report of the Coalition for the International Day of the Endangered Lawyer (24 Jan. 2025) <https://dayoftheendangeredlawyer.eu/wp-content/uploads/2025/01/DEL-2025-Report-Final-for-publication-1.pdf>.

⁶³ Report of the Coalition for the International Day of the Endangered Lawyer (24 Jan. 2025) <https://dayoftheendangeredlawyer.eu/wp-content/uploads/2025/01/DEL-2025-Report-Final-for-publication-1.pdf>.

⁶⁴ [Statement of Mrs Anaïs Marin, UN Special Rapporteur on the situation of human rights in Belarus, at the 75th session of the General Assembly | OHCHR.](#)

⁶⁵ International Commission of Jurists, [Belarus: Attacks on independent lawyers continue unabated | ICJ](#), 2 June 2023.

charge likely linked to their legal representation in high-profile political cases. Meanwhile, Ulasevich and Yakusheva were accused of the same offense, reportedly for making donations to the Fund of Solidarity, an organisation supporting victims of political repression following Belarus's 2020 elections. Human Rights Watch, in collaboration with the Belarusian Association of Human Rights Lawyers and the Right to Defence Project, has discerned over 140 cases of lawyers being disbarred, having drawn on publicly available data and interviews.⁶⁶ (See **Annex A** for detailed case information.)

17. Belarus has declined recommendations from the Committee against Torture to conduct thorough and impartial investigations into cases of disbarred lawyers, further undermining the integrity of the legal profession and the rule of law.⁶⁷
18. On 30 September 2021, the Ministry of Justice unilaterally adopted a revised version of the Rules of Professional Ethics of a Lawyer without consulting legal professionals or obtaining approval from bar associations.⁶⁸ The new rules reinforce previous restrictions while introducing additional constraints, for instance:⁶⁹
 - (a) Elimination of Legal Immunity: The revised rules removed protections ensuring that lawyers could not be prosecuted for statements made in accordance with professional ethics. This contradicts the Basic Principles on the Role of Lawyers, which affords legal professionals “civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority”.⁷⁰
 - (b) Prohibition on Statements About Guilt or Innocence: Lawyers are now explicitly prohibited from commenting on the guilt or innocence of any accused person they do not represent, formalising previous arbitrary measures

⁶⁶ Human Rights Watch, ‘Belarus: Crackdown on Human Rights Lawyers’ (27 May 2024): https://www.hrw.org/news/2024/05/27/belarus-crackdown-human-rights-lawyers?utm_source=chatgpt.com accessed 16 January 2024

⁶⁷ CAT/C/BLR/CO/4/Add.1, para. 6

⁶⁸ Report of the Coalition for the International Day of the Endangered Lawyer (24 Jan. 2025) <https://dayoftheendangeredlawyer.eu/wp-content/uploads/2025/01/DEL-2025-Report-Final-for-publication-1.pdf>.

⁶⁹ Report of the Coalition for the International Day of the Endangered Lawyer (24 Jan. 2025) <https://dayoftheendangeredlawyer.eu/wp-content/uploads/2025/01/DEL-2025-Report-Final-for-publication-1.pdf>.

⁷⁰ United Nations Basic Principles on the Role of Lawyers, Principle 20 (7 Sept. 1990), <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers>.

used against legal professionals such as Dmitri Laevski.⁷¹

- (c) Media Communication and Internet Restrictions: Lawyers must now only disseminate “accurate and reliable” information that is provided from a legal standpoint. Statements cannot be made unless they are supported by verified facts and case materials. This restriction enables broad and subjective enforcement and punishment, which may effectively silence lawyers from speaking on politically sensitive issues.

- 19. These new provisions provide authorities with significant discretion to penalise lawyers for expressing civil, political, or critical views. The vague criteria for permissible speech mean that even routine legal defence advocacy, such as exposing torture or misconduct by state officials, can be deemed a violation if exact evidence is unavailable due to attorney-client privilege or investigation secrecy.⁷²

Independence of Bar Associations:

- 20. In Belarus, membership in a territorial bar association (TBA) is mandatory for all practicing lawyers. There are seven TBAs, covering the city of Minsk and each of the six regions of Belarus: Minsk, Mogilev, Grodno, Gomel, Vitebsk, and Brest. Under the Law on the Bar, TBAs are recognised as non-profit organisations responsible for providing legal assistance, representing lawyers’ interests before state bodies and other organisations, and monitoring compliance with the law and adherence to the Rules of Professional Ethics for Lawyers.⁷³ At the national level, the BRBA serves as the central self-governing body, comprising compulsory membership from all TBAs. However, the BRBA is highly susceptible to government interference, primarily due to the Ministry of Justice’s extensive control over its governing structures.⁷⁴ The Ministry plays the decisive role in approving candidates for the BRBA Council and

⁷¹ Dmitri Laevski was expelled from the Minsk City Bar Association on 9 July 2021 for “systematic violation of the requirements and conditions for the exercise of advocacy”. His expulsion was based on two main reasons. First, he was reprimanded for criticising proposed amendments to the Law on the Bar on social media, particularly opposing the abolition of attorney bureaus and individual practice, which the disciplinary commission deemed defamatory toward legal professionals. Second, during the trial of opposition politician Viktor Babaryka in June 2021, Laevski argued for the innocence of other defendants despite their guilty pleas, contradicting their legal strategies. This was considered a breach of professional ethics, leading to his disbarment. (Lawyers for Lawyers, 2 August 2021, [Joint statement on the repression against Belarusian lawyers and the disbarment of Dmitriy Laevski - Lawyers for Lawyers](#); see also

<https://defenders.by/news/tpost/a7s9hnjael-pravozaschitniki-soobschayut-cto-minyus>)

⁷² Report of the Coalition for the International Day of the Endangered Lawyer (24 Jan. 2025) <https://dayoftheendangeredlawyer.eu/wp-content/uploads/2025/01/DEL-2025-Report-Final-for-publication-1.pdf>.

⁷³ Report of the Coalition for the International Day of the Endangered Lawyer (24 Jan. 2025) <https://dayoftheendangeredlawyer.eu/wp-content/uploads/2025/01/DEL-2025-Report-Final-for-publication-1.pdf>.

⁷⁴ Report of the Coalition for the International Day of the Endangered Lawyer (24 Jan. 2025) <https://dayoftheendangeredlawyer.eu/wp-content/uploads/2025/01/DEL-2025-Report-Final-for-publication-1.pdf>.

leadership roles, such as the BRBA Chairperson.⁷⁵

21. Article 38 of the Law on the Bar allows the MOJ to suspend any decision made by a general meeting, conference, or council of a bar association if the Ministry deems unlawful or procedurally flawed, with the authority to petition the court for annulment if the decision is not revoked voluntarily.⁷⁶ Additionally, the Ministry can initiate the termination of a bar association's chairperson or council members, with authority to appeal rejections of its proposals for termination.⁷⁷ Given the lack of judicial independence, court challenges to these decisions are likely to favour the Ministry.⁷⁸
22. This structure falls short of international standards, as the BRBA and TBAs remain vulnerable to state influence and interference, undermining independence, and severely restricting bar associations' ability to safeguard the autonomy of the legal profession and effectively advocate for their members.⁷⁹ The Coalition for the International Day of the Endangered Lawyer⁸⁰ summarises the following key concerns:
 - (a) Extensive Ministry of Justice Control: The 2021 amendments to the Law on the Bar expanded the Ministry of Justice's influence, undermining the independence of bar associations.⁸¹
 - (b) Candidate Approval: The Ministry approves candidates for bar council positions and can propose its own candidates who are appointed if its selections are rejected twice by the bar association in question, compromising the independence of the election process.
 - (c) Control and Disciplinary Action: The Ministry can initiate disciplinary measures, suspend, or terminate lawyer licences, placing lawyers in a vulnerable position.
 - (d) Intervention in Bar Decisions: The Ministry can suspend bar association decisions it deems illegal, with the power to seek court annulment, exerting control over bar rulings due to a lack of judicial independence.
 - (e) Early Termination of Leadership: The Ministry can initiate the removal of bar association leaders, furthering its control over the leadership structure.

⁷⁵ Report of the Coalition for the International Day of the Endangered Lawyer (24 Jan. 2025) <https://dayoftheendangeredlawyer.eu/wp-content/uploads/2025/01/DEL-2025-Report-Final-for-publication-1.pdf>.

⁷⁶ Law of the Republic of Belarus "On the Bar and the Practice of Law in the Republic of Belarus" dated December 30, 2011, No. 334-3, Chapter 6, art. 38.

⁷⁷ Law of the Republic of Belarus "On the Bar and the Practice of Law in the Republic of Belarus" dated December 30, 2011, No. 334-3, Chapter 6, art. 38.

⁷⁸ Report of the Coalition for the International Day of the Endangered Lawyer (24 Jan. 2025) <https://dayoftheendangeredlawyer.eu/wp-content/uploads/2025/01/DEL-2025-Report-Final-for-publication-1.pdf>.

⁷⁹ UNGA, 'Report of the Special Rapporteur on the independence of judges and lawyers' A/71/348 (22 August 2016), paragraph 85: <https://documents.un.org/doc/undoc/gen/n16/264/93/pdf/n1626493.pdf>.

⁸⁰ The IBAHRI is a member of the DEL Coalition.

⁸¹ Report of the Coalition for the International Day of the Endangered Lawyer (24 Jan. 2025) <https://dayoftheendangeredlawyer.eu/wp-content/uploads/2025/01/DEL-2025-Report-Final-for-publication-1.pdf>.

23. Several international bodies have condemned the erosion of independence within the Belarusian legal profession. The UN HRC has raised concerns over the influence of the Ministry of Justice on bar associations, which undermines the independence of the legal profession.⁸² The Observatory for the Protection of Human Rights Defenders has criticised Belarusian legislation for placing the legal profession under state supervision, effectively stripping bar associations of their fundamental role in safeguarding independence.⁸³ The Special Rapporteur on human rights in Belarus has documented systemic state interference in lawyers' professional activities,⁸⁴ while the UN High Commissioner for Human Rights has highlighted the risk of disbarment and disciplinary sanctions faced by those defending politically sensitive cases.⁸⁵ The Council of Bars and Law Societies of Europe (CCBE) has further denounced the transformation of self-governing legal bodies into instruments of state repression.⁸⁶

Legal Independence:

24. The May 2021 amendments abolished attorneys' bureaus and individual legal practice, mandating that lawyers operate exclusively within legal advice offices, which are subdivisions of territorial bar associations lacking independent legal status.⁸⁷ Thus, lawyers are restricted from representing clients in cases concerning human rights and political dissent by barring independent lawyers or those working in law firms from handling criminal or administrative offence cases; so-called 'consultations' under regional bar associations are now the only authorised representatives in such cases.⁸⁸ Lawyers are assigned to these legal advice offices by the bar, while financial transactions are centrally managed by the bar association. Each office is overseen by a head appointed with the consent of the MOJ, who holds extensive administrative control.⁸⁹

⁸² Concluding observations of the Human Rights Committee on the fifth periodic report of Belarus CCPR/C/BLR/CO/5 (2018), paragraph 41.

⁸³ Joint report of the Observatory for the Protection of Human Rights Defenders in cooperation with the Paris Bar Association "Belarus: Control Over Lawyers Threatens Human Rights," June 2018.

⁸⁴ Report of the Special Rapporteur about human rights in Belarus, Anais Marin of 4 May 2021, A/HRC/47/49 (2021), paragraph 57.

⁸⁵ Report of the UN High Commissioner for Human Rights of 15 February 2021 "The situation with human rights in Belarus in the context of the presidential elections of 2020", A/HRC/46/4 (2021), paragraph 59.

⁸⁶ Joint statement of the Helsinki Foundation for Human Rights (Poland), the World Organization against Torture (Switzerland), the international organization Article 19 (UK) in partnership with the Council of Bars and Legal Societies of Europe (CCBE) dated August 2, 2021.

⁸⁷ Report of the Coalition for the International Day of the Endangered Lawyer (24 Jan. 2025) <https://dayoftheendangeredlawyer.eu/wp-content/uploads/2025/01/DEL-2025-Report-Final-for-publication-1.pdf>.

⁸⁸ Law on Amendments to the Law on the Bar, Law of the Republic of Belarus No. 113-3 (27 May 2021).

⁸⁹ Report of the Coalition for the International Day of the Endangered Lawyer (24 Jan. 2025) <https://dayoftheendangeredlawyer.eu/wp-content/uploads/2025/01/DEL-2025-Report-Final-for-publication-1.pdf>.

25. A five-month transition period until October 2021 required over 100 attorney bureaus to close by November, with the MOJ exercising discretion over the creation of legal advice offices and their membership, often disregarding lawyers' preferences.⁹⁰ A quarter of former attorneys' bureau lawyers (90 lawyers) and 13% of individual practitioners (36 lawyers) left the bar, citing "the inability to maintain their previous level of activity and confidential client communication; the lack of response from state bodies to clear violations of citizens' rights; the revocation of licences for colleagues who spoke out against violence or defended political prisoners; [and] the threat of sanctions against them".⁹¹
26. As a result, the Belarus' legal profession has significantly contracted. Between November 2021 and September 2023, the number of bar-member lawyers fell from over 2,000 to 1,616 and, by January 2023, there was only one lawyer for every 5,693 people.⁹² As of February 2025, there are currently only 1599 lawyers operating in Belarus, according to the BRBA.⁹³ Furthermore, between 2020 and November 2023, at least 47 lawyers were expelled from bar associations as a disciplinary measure, often as a consequence of arbitrary detention or administrative prosecution.⁹⁴ Convictions for minor administrative offences, such as "petty hooliganism" or "distribution of extremist materials," have been used as a basis for disbarment.⁹⁵

Lack of Free Legal Assistance:

27. Belarus lacks a state-funded legal aid system. While legal assistance in certain criminal cases may be financed by the local or national budget, these costs are ultimately recovered from the individuals concerned.⁹⁶ In other instances, where the law mandates free legal aid, the financial burden falls on the bar associations, effectively shifting the responsibility onto lawyers themselves.⁹⁷ However, lawyers are expressly prohibited from providing pro bono services or waiving fees at their own discretion.

IV. Conclusions

⁹⁰ Report of the Coalition for the International Day of the Endangered Lawyer (24 Jan. 2025) <https://dayoftheendangeredlawyer.eu/wp-content/uploads/2025/01/DEL-2025-Report-Final-for-publication-1.pdf>.

⁹¹ Center for Constitutionalism and Human Rights of the European Humanities University, Right to Defense project, Human Constanta, The Polish Helsinki Foundation for Human Rights, 'The Crisis of the Legal Profession in Belarus: How to Return the Right to Defense' (8 March 2023), p. 92: English Translation of the Report "The Crisis of the Legal Profession in Belarus: How to Return the Right to Defense".

⁹² Right to Defence, 'The exodus of lawyers from the Belarusian Bar continues' (21 July 2022): <https://www.defendersbelarus.org/news/tpost/rv3xsl66e1-advokatu-aleksandru-danilevichu-prisudil>.

⁹³ Belarusian Republican Bar Association (BRKA), 'Find a Lawyer': <https://www.brka.by/lawyers/>.

⁹⁴ https://defendersbelarus.org/persecution_lawyers_belarus.

⁹⁵ A/HRC/56/65, para. 5 (2024).

⁹⁶ Law of the Republic of Belarus "On the Bar and the Practice of Law in the Republic of Belarus" dated December 30, 2011, No. 334-3, Chapter 4, art. 27.

⁹⁷ Law of the Republic of Belarus "On the Bar and the Practice of Law in the Republic of Belarus" dated December 30, 2011, No. 334-3, Chapter 4, art. 28.

28. The Belarusian authorities have entrenched impunity, allowing those responsible for gross human rights violations to evade accountability in Belarus. The state has persistently failed to implement recommendations issued through the Universal Periodic Review, systematically denying to enact (or falsely deeming “already implemented”) recommendations concerning politically motivated persecution, the release of political prisoners, and the rights of marginalised groups.⁹⁸
29. Amendments to the Constitution have extended executive authority to undermine the separation of powers and fostered impunity by broadening the definition of extremism, enabling the prosecution of dissidents. Government control over the judiciary and legal profession has created a hostile environment for lawyers, with bar associations weaponised against those defending dissidents, human rights defenders, and independent journalists.⁹⁹ Repressive laws have restricted civil society, opposition parties, trade unions, and religious groups, while constitutional amendments have eroded judicial independence.¹⁰⁰ The Belarus Republican Bar Association, under state influence, has disbarred lawyers handling politically sensitive cases, violating UN principles.¹⁰¹ Additionally, vague national security laws have been used to criminalise dissent and suppress freedom of expression.¹⁰²
30. In a regime openly embracing totalitarian practices, accountability for human rights violations has become unattainable at both domestic and international levels.

V. Recommendations¹⁰³

To the Government of Belarus:

- a) Bring legislation regulating the legal profession in line with international standards. Ensure the independence of the legal profession, namely, to operate without any interference from the authorities in matters of regulation of the profession, self-governance, including access to the profession, and the application of disciplinary measures.
- b) Fully and non-selectively implement all recommendations from United Nations human rights bodies and mechanisms. This includes responding to all communications issued by special procedures with comprehensive answers, following up on recommendations, and conducting timely, independent, effective, and transparent investigations into alleged human rights violations brought to the authorities' attention.

⁹⁸ A/79/201, para. 13 (2024).

⁹⁹ A/HRC/56/65, para. 44 (2024).

¹⁰⁰ A/HRC/56/65, para. 5 (2024).

¹⁰¹ Report of the Coalition for the International Day of the Endangered Lawyer (24 Jan. 2025) <https://dayoftheendangeredlawyer.eu/wp-content/uploads/2025/01/DEL-2025-Report-Final-for-publication-1.pdf>.

¹⁰² Report of the Coalition for the International Day of the Endangered Lawyer (24 Jan. 2025) <https://dayoftheendangeredlawyer.eu/wp-content/uploads/2025/01/DEL-2025-Report-Final-for-publication-1.pdf>.

¹⁰³ Report of the Coalition for the International Day of the Endangered Lawyer (24 Jan. 2025) <https://dayoftheendangeredlawyer.eu/wp-content/uploads/2025/01/DEL-2025-Report-Final-for-publication-1.pdf>.

- c) Refrain from creating obstacles to the exhaustion of domestic remedies and the ability to obtain proof thereof, such as by ending the practice of imposing non-disclosure agreements on lawyers and holding trials in absentia without providing the accused an opportunity to participate in proceedings or access case materials.
- d) Design a new national action plan on human rights, which should include a comprehensive list of recommendations received under the Universal Periodic Review, from special procedures, and treaty bodies, with clear, measurable targets and progress indicators. Ensure that all relevant stakeholders, including civil society organisations registered outside Belarus, are allowed to contribute to this process.
- e) Immediately and unconditionally release all lawyers held in arbitrary detention, and drop all charges related to their legitimate professional duties.
- f) Ensure unimpeded access of defence lawyers to the places of detention of their clients, to stop the practice of creating artificial obstacles to the defence lawyer's access to their clients.
- g) Cease all acts of intimidation and harassment against lawyers in Belarus, including arbitrary arrest and detention, and ensure that all lawyers can carry out their professional duties and exercise their right to freedom of expression without intimidation, hindrance, or undue interference.
- h) Cease the use of counterterrorism, counter-extremism, and other laws to suppress dissent, and take meaningful steps to protect freedom of expression, assembly, association, and religion.