

Mandates of the Special Rapporteur on the situation of human rights in Belarus; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Independent Expert on the enjoyment of all human rights by older persons; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Ref.: AL BLR 1/2026
(Please use this reference in your reply)

16 March 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in Belarus; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Independent Expert on the enjoyment of all human rights by older persons; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 58/19, 60/8, 54/14, 53/4, 52/9, 60/11, 58/14 and 52/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning serious allegations of arbitrary and prolonged incommunicado detention of inmates in punishment cells and denial of adequate medical and psychological care in the Correctional Colony No. 1 in Navapolatsk in the Republic of Belarus. We received information about the denial of hospitalization to Mr. **Ihar Losik** after his suicide attempt committed after his continued ill-treatment in detention prior to his negotiated release and ensuing expulsion to Lithuania on 11 September 2025. We also received allegations about a death in custody of Mr. [REDACTED]

According to the information received:

Mr. Ihar Losik

Mr. **Ihar Losik**, a journalist and blogger, was detained between 25 June 2022 and 11 September 2025 in several detention facilities of the Republic of Belarus during investigation and after his conviction under articles 293(1) (organization of riots) and 130 (incitement to hatred) of the Criminal Code of the Republic of Belarus.

Between June 2022 and September 2025, he was reportedly detained in Correctional Colony No. 1 in Navapolatsk and for 10 months in the State Security Committee's (KGB) pre-trial detention centre in Minsk.

He spent two years in incommunicado detention and was repeatedly held in inhuman conditions in punishment isolation cells (SHIZO) and in cell-type spaces (PKT) in the Correctional Colony No. 1 in Navapolatsk. The SHIZO cell measured approximately 3x3 meters and was extremely cold, with a window open in winter and lacking a mattress or pillow. Overall, Mr. Losik spent 90 days in SHIZO and 18 months in PKT. He fainted repeatedly due to extreme cold conditions but did not receive adequate medical assistance. He was denied vaccination against COVID-19 during his stay in PKT, despite this being a regular procedure in the Correctional Colony.

Four defense lawyers who attempted to represent Mr. Losik were disbarred, and three of them were detained. As a result, no other defense lawyer dared to represent him. He was reportedly denied family visits and correspondence. Even letters and telegraph wires from his parents informing him of deaths of family members were not delivered to him.

Letters that Mr. Losik wrote from the Correctional Colony to the UN Special Rapporteur on the situation of human rights in Belarus were not dispatched. Neither did his attempts to send complaints to the Prosecutor General's Office, the Navapolatsk court, the Department of the Execution of Judgements and the Administration of the President of the Republic of Belarus lead to any results. Reportedly, inmates who attempted sending complaints to the Prosecutor's Office were routinely punished by the chief of the colony.

Mr. Losik was included by the KGB in a list of "persons involved in terrorism" and on the "list of Belarusian citizens, foreign citizens or stateless persons involved in extremist activities", despite not being convicted on terrorism charges, resulting in prohibitions on receiving money transfers and lack of funds to purchase basic necessities, such as toilet paper and toothpaste. Inmates placed on such lists reportedly face discriminatory treatment in correctional colonies and are unable to earn money and to purchase basic necessities.

While in detention, Mr. Losik reportedly attempted suicide twice. First, according to the information received, he cut his wrist with a watch in the investigator's office at the pre-trial detention centre (SIZO) in Zhodino, protesting his prosecution on trumped-up charges despite him having an alibi. The psychologist in Zhodino SIZO, Mr. ██████████ did not provide psychological care to the pre-trial detainees. Instead, he allegedly intimidated people or coerced them to disclose incriminating information which he would then transmit to the investigating and prosecution authorities. Reportedly, everyone who had meetings with this psychologist was later placed in SHIZO.

The second time, Mr. Losik reportedly attempted to commit suicide in March 2023 in the Correctional Colony No. 1 in Navapolatsk after the penitentiary administration decided to place him in PKT right before the scheduled meeting with his daughter. He cut veins on his wrists and neck. Despite the inflicted injuries, Mr. Losik was not hospitalized. Instead, after stitches were applied to his wounds by the colony's medical staff, he was first immediately placed in SHIZO as a punishment measure, and then he was transferred to PKT. The general medical practitioner of the colony authorized his placement in SHIZO.

The colony psychiatrist who recommended Mr. Losik's hospitalization was silenced and resigned a month later.

On 11 September 2025, Mr. Losik was forcibly deported from Belarus to Lithuania. His passport and all his personal belongings, including his manuscripts and family photos, were withheld by the Correctional Colony's administration.

Mr. [REDACTED]

Mr. [REDACTED] an older detainee with physical and mental health conditions, died in Correctional Colony No. 1 in Navapolatsk in 2023. Reportedly, he did not understand where he was and was often witnessed throwing his food around. He was not provided with adequate medical or psychological assistance. On 17 February 2023, he was placed in SHIZO together with a prominent opposition politician. He spent two months there under extremely cold conditions without any medical or psychological care. He died shortly after. It is unclear whether any investigation has been carried out into the cause of his death with the view of establishing responsibility for violations of his rights.

Other deaths and suicide attempts in the Correctional Colony No. 1 in Navapolatsk

According to the information received, inmates at the Correctional Colony No. 1 in Navapolatsk attempt suicide on a regular basis, almost every month. Between 2022-2025, two inmates committed suicide by hanging. One person who attempted suicide was shocked by an electroshock device as a punishment for his attempt. In 2022, another inmate attempted suicide by jumping into a scorching barrel, burning his legs. The colony director, Mr. [REDACTED] in response to the attempt questioned this inmate, asking why he had not taken off the Colony's uniform, which was public property.

Without prejudging the accuracy of these allegations, we would like to voice our concern about allegations of denial of adequate medical care, including mental health care, in the **Correctional Colony No. 1 Navapolatsk**, including for inmates who have been convicted under politically motivated charges and who have attempted suicide. Denial of independent medical treatment, including professional mental health assistance, especially after suicide attempts by persons who had been subjected to lengthy periods of solitary confinement and suffered ill-treatment, may amount to torture or other forms of cruel, inhuman or degrading treatment or punishment, that may result in irreversible harm to the inmates mental and subsequently physical health.

We are concerned that medical staff in the penitentiary facilities of Belarus are employed by and report to the penitentiary authorities and therefore lack the independence and impartiality that are required by international standards. Their ability to report on any signs of physical or psychological torture and ill-treatment is limited due to inherent loyalty to their hiring authorities. While an independent medical professional can be solicited upon authorization by the head of the Correctional Colony, such authorizations are reportedly impossible to obtain, and there is no information on whether there are procedures in place to secure sustainable mental health care for

inmates by an independent external professional. In our communication [BLR 4/2025](#) we raised concerns about the only medicines prescribed in the colony being painkillers and antipyretics, and about the fact that even though, twice per year, an external medical commission visits colonies, unlike the other inmates, political prisoners (marked with a yellow label) are not allowed to request an appointment with the commission.

We further recall communication [REDACTED] concerning punishment of a detainee following a suicide attempt instead of provision of mental health care and note that such a practice may amount to cruel, inhuman or degrading treatment. We also recall communications [BLR 4/2025](#) and [BLR 6/2023](#) that inter alia concerned deaths in custody, preceded by a denial of adequate medical care. We would like to reiterate that the failure by your Excellency's Government to conduct effective, prompt, thorough, impartial and independent investigations into deaths in custody may violate the right to life.

Concerns that were previously raised by Special Procedures mandate-holders in their communications (see, among others, [BLR 3/2023](#), [BLR 4/2023](#), [BLR 5/2024](#), [BLR 6/2024](#), [BLR 7/2024](#), [REDACTED], [BLR 3/2025](#), [BLR 4/2025](#), [BLR 5/2025](#), [BLR 7/2025](#), [BLR 12/2025](#)) included reports that inmates sentenced on politically motivated grounds as part of the repression unfolding since 2020, including elderly and female inmates and persons with chronic illnesses, face targeted and discriminatory physical mistreatment and psychological pressure through humiliating practices, inter alia, the denial of proper medical evaluation, no access to adequate medical and psychological care, non-delivery of packages with food, medicines and money from relatives, exposure to deliberately created poor detention conditions, including punitive and arbitrary solitary confinement exceeding 15 consecutive days (up to six months) in the so-called "*cell-type units*" or "*punitive isolation*" that may amount to incommunicado imprisonment prohibited under international law. Inmates that have been placed in "punitive isolation" report being "starved and cold all the time". We are alarmed that solitary confinement appears to be imposed without any prior psychological assessment about risks of self-harm or adequate assessment of medical condition before, during or after the imposed isolation.

These two regimes also involve deprivation of access to personal belongings and denial of correspondence and visits, as a form of psychological pressure. Inmates are denied access to their lawyers, which deprives them of any avenues for effectively raising complaints. The use of physical force by colony staff reportedly forces inmates to go on hunger strikes to protest against ill-treatment, leading to the irreversible and sometimes life-threatening deterioration of their physical and mental health.

We would like to recall that Special Procedures mandate holders have previously raised concerns with your Excellency's Government about the prolonged incommunicado detention of the journalist Mr. Ihar Losik ([BLR 6/2024](#)) and that the Working Group on Arbitrary Detention in its Opinion No. 45/2023 ([A/HRC/WGAD/2023/45](#)) concluded that his deprivation of liberty was arbitrary and based solely on his journalistic activity and his peaceful exercise of freedoms of expression and association, and called for his immediate release. We deeply regret the lack of cooperation of your Excellency's Government on the case of Mr. Losik and urge the Belarusian authorities to promptly launch independent, impartial, thorough, effective and transparent investigations into his past arbitrary deprivation of liberty and

ill-treatment, that preceded his forcible deportation from Belarus on 11 September 2025 ([BLR 11/2025](#)).

As was noted in our past communications, Belarusian places of deprivation of liberty remain notorious for their bad conditions. It appears that law enforcement bodies and prison authorities continue to systematically expose persons detained on politically motivated grounds to gross human rights violations amounting to torture or other cruel, inhuman or degrading treatment or punishment and, in certain circumstances, to enforced disappearance. As was mentioned in our past communications, detainees reportedly are left little time for personal activities, such as writing letters or reading. Even the few letters they are allowed to send and rare calls they make go under supervision. The prison staff reads all correspondence, and calls are often listened to. Prison administration can arbitrarily limit the correspondence of inmates, and there are still no effective mechanisms to challenge such actions of the administration. Moreover, the victim filing a complaint while in detention risks retaliation, in the form of physical punishment and psychological abuse.

We are further concerned by allegations that relatives are frequently left without reliable information on the fate and whereabouts of their detained family members, while detainees are reportedly prevented from receiving visits from relatives and, in some instances, from their legal counsel. In this context, we recall that, under international human rights law, prolonged incommunicado detention may amount to torture or other cruel, inhuman or degrading treatment or punishment and, in certain circumstances, to enforced disappearance.

As there is no independent public preventive or reactive monitoring of closed facilities in Belarus and complaints are reportedly systematically withheld by the penitentiary administration and do not reach the Office of the Prosecutor, we are extremely concerned that persons deprived of their liberty are left without effective recourse mechanisms for challenging their treatment and detention conditions.

It is unclear what are the legal and factual basis, procedures and evidentiary standards for adding Mr. Losik's name to the list of persons “involved in terrorist activities” and on the “list of Belarusian citizens, foreign citizens or stateless persons involved in extremist activities”, and whether there are available legal remedies available to challenge these designations. Placement on such lists also appears to lead to discriminatory treatment in the penitentiary facilities and denial of basic rights that shall be guaranteed to all persons deprived of their liberty.

We would like to recall that in our past communications, we brought to the attention of your Excellency's Government that the designation of “terrorist” individuals or organizations must satisfy the grounds for listing, and ensure due process and judicial protection, under international human rights law, as set out by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/HRC/16/51, para. 35 and A/80/284, paras. 17-39; see Annex to this letter). In this context, we reiterate concerns repeatedly brought to the attention of your Excellency's Government about the incompatibility of the Belarusian counter-terrorism and anti-extremism legal framework and law-enforcement practice with international human rights standards ([BLR 2/2021](#), [BLR 3/2022](#), [BLR 3/2023](#), [BLR 4/2023](#), [BLR 9/2023](#), [BLR 10/2023](#), [BLR 12/2023](#), [BLR 5/2024](#), [BLR 6/2024](#);

[BLR 8/2024](#); [BLR 9/2024](#); [BLR 1/2025](#); [REDACTED]; [BLR 3/2025](#); [BLR 4/2025](#); [BLR 5/2025](#); [BLR 8/2025](#); [BLR 9/2025](#); [A/78/327](#)).

We thank your Excellency's Government's for its responses to several of these communications, and would like to acknowledge that in your replies, for example in the State's response to BLR 9/2025, it is maintained that '*Belarusian legislation on countering extremism and combating terrorism [...] is constantly being improved to take into account the rights, freedoms and legitimate interests of Belarusian citizens, as well as the interests of the national security of Belarus*' (emphasis added). In this regard we encourage your Excellency's Government to provide us with a detailed account of the steps taken to improve and bring such legislation and the related Criminal Code's provisions and their application into compliance with international law, including international human rights law standards referenced in the annexes included into our past communications.

We express our utmost concern that, if such allegations were confirmed, they may constitute violations of Belarus' obligations under international human rights law, including: articles 2, 6, 7, 9, 10, 16, 17, 19 and 26 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Belarus on 12 November 1973; articles 1, 2, 12 and 16 of the Convention against Torture (CAT), ratified by Belarus on 13 March 1987; and article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Belarus on 12 November 1973.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on the steps undertaken to ensure the right to health of Mr. **Ihor Losik** when he was in detention, and explain what was done to ensure his access to adequate medical and psychological care, including after his suicide attempts and while he remained in SHIZO.
3. Please provide detailed information on the steps undertaken to ensure the availability, accessibility, quality and confidentiality of psychological counselling and mental health services in pretrial detention facilities and in the penitentiary colonies, including for persons who attempt suicide and for all persons prior, during and after their placement in SHIZO and PKT, as a means to effectively, adequately and timely assess and prevent suicide attempts. Please explain why suicide attempts lead to the application of punitive measures rather than mitigation of the conditions of detention.

4. Please explain what rules and mechanisms are in place to ensure that grievances raised in confidence with psychologists or mental health professionals in places of deprivation of liberty are not used by authorities as the basis for reprisals against inmates.
5. Please provide information on whether Mr. ██████ underwent any mental health evaluation to assess his fitness to remain in the Correctional Colony No. 1, and please clarify whether any investigation was launched into his death. If no investigation was conducted, please explain why.
6. Please provide detailed information on whether persons with a reported mental disability have access to independent examination by an impartial medical professional, and people unfit for serving prison terms are placed in appropriate mental health facilities based on a judicial decision.
7. Please indicate whether prompt, thorough, independent, impartial and effective investigations have been initiated into the reported deaths in custody and repeated suicide attempts at Correctional Colony No. 1 in Navapolatsk, including the two reported suicides by hanging between 2022 and 2025. If so, please provide information on the status, scope and findings of these investigations to date, and clarify whether investigations into any death in custody were conducted in accordance with the Minnesota Protocol (2016) on the Investigation of Potentially Unlawful Death, which sets out internationally recognized standards for investigating potentially unlawful deaths. If not, please explain why.
8. Please explain what measures have been taken to ensure that the detention conditions of older persons deprived of liberty meet your human rights obligations, including information on specific actions taken to ensure that they have access to appropriate health care, including medical treatment and medicines as well as adapted facilities.
9. Please explain what effective and accessible complaint mechanisms exist in places of deprivation of liberty in Belarus for raising concerns about conditions of detention and ill-treatment (including psychological) and explain what follow up measures are taken by such mechanisms to ensure protection of complainants against reprisals.
10. Please describe how the right of inmates to convey grievances to international human rights protection mechanisms, including UN Special Procedures' mandate-holders, is being upheld in practice.
11. Please provide information on the ability for families and lawyers to visit and maintain correspondence with inmates in detention, including those detained in SHIZO and PKT and ensure confidential conversations and exchange of correspondence at regular intervals.

12. Please provide information on the legal and factual basis for adding Mr. Losik's name to the list of persons “involved in terrorist activities” and on the “list of Belarusian citizens, foreign citizens or stateless persons involved in extremist activities”. Please explain the procedures and evidentiary standards that must be satisfied before a person is included on these lists and what legal remedies are available to challenge these designations. Please explain how these conform with international law, including the right to an effective remedy under article 2 of the ICCPR. Please also explain the reason for depriving inmates put on such lists from an opportunity to earn money in the Correctional Colonies and to purchase basic necessities.
13. Please provide detailed and specific information on steps taken to repeal the category of “extremism” in national law, amend the definition of “terrorism” to comply with international law, and amend the procedure for the listing and delisting of individuals and entities as “terrorist” to satisfy the grounds for listing, and ensure due process and independent judicial safeguards in accordance with international law.
14. Please share any statistics on investigations launched into the allegations of torture and ill-treatment in detention facilities, in particular, of detainees under politically motivated charges. Please explain how any such investigation complies with international standards, including the Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2022 edition).

This communication, and any response received from your Excellency’s Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should Your Excellency’s Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

Further, we would like to inform your Excellency’s Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

We would also like to inform your Excellency’s Government that given the allegations of enforced disappearance, the Working Group on Enforced or Involuntary Disappearances may decide to transmit relevant cases through its humanitarian procedure. The Government is required to respond separately to the present communication and the humanitarian procedure.

While awaiting a reply, we urge that all necessary measures be taken to prevent the re-occurrence of alleged violations vis-à-vis remaining inmates in the places of

deprivation of liberty in Belarus and in the event that the investigations into the alleged past violations support or suggest these allegations to be correct, to ensure the accountability of any person(s) responsible for them.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issues in question.

Please be informed that a copy of this letter has also been sent to the Republic of Lithuania.

Please accept, Excellency, the assurances of our highest consideration.

Nils Muižnieks
Special Rapporteur on the situation of human rights in Belarus

Matthew Gillett
Vice-Chair on communications of the Working Group on Arbitrary Detention

Gabriella Citroni
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Claudia Mahler
Independent Expert on the enjoyment of all human rights by older persons

Ben Saul
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Alice Jill Edwards
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Annex

Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the following human rights standards and obligations binding on Belarus under international human rights law.

Right to life

We refer to article 6 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Belarus on 12 November 1973. It guarantees the right to life. We would also like to recall that under article 6 of the ICCPR, States have a heightened duty of care to take any necessary measures to protect the lives of individuals deprived of their liberty by the State, since by arresting, detaining, imprisoning or otherwise depriving individuals of their liberty, States parties assume the responsibility to care for their lives and bodily integrity.

Article 6 of the ICCPR, read together with article 2(1), requires States to adopt appropriate measures to protect the right to life against "reasonably foreseeable threats", including threats resulting from acts or omissions of State officials and, where relevant, from private persons or entities.

In its general comment No. 36 on article 6, the Human Rights Committee has pointed out that States parties to the ICCPR '*have a heightened duty of care to take any necessary measures to protect the lives of individuals deprived of their liberty by the State. (...) The duty to protect the life of all detained individuals includes providing them with the necessary medical care and appropriate regular monitoring of their health*', and that '*loss of life occurring in custody, in unnatural circumstances, creates a presumption of arbitrary deprivation of life by State authorities, which can only be rebutted on the basis of a proper investigation that establishes the State's compliance with its obligations under article 6*' (paras. 25, 29) (emphasis added). This entails, inter alia, ensuring necessary medical care, appropriate supervision and monitoring, protection from violence, and taking measures aimed at preventing suicides.

Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the 2016 [Minnesota Protocol on the Investigation of Potentially Unlawful Death](#), that inter alia, states that all deaths in custody must be subject to prompt, effective, thorough, independent and impartial investigation; families shall be afforded their right to participation and information; and autopsies must be conducted by qualified independent experts. Failure to comply may constitute a separate violation of the right to life.

Freedom from torture or cruel, inhuman or degrading treatment or punishment

We would like to remind your Excellency's Government that torture or cruel, inhuman or degrading treatment or punishment, is prohibited under article 5 of the Universal Declaration of Human Rights, article 7 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Belarus on 12 November 1973, and articles 1,

2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by Belarus on 13 March 1987.

Access to independent medical professionals is essential for detecting and documenting signs of torture, cruel or inhuman treatment, preventing further harm and providing healthcare for restoring and repairing the harm suffered by victims of human rights violations in state custody. Punishing detainees for suicide attempts instead of providing psychological care may constitute cruel, inhuman or degrading treatment in violation of article 7 of the ICCPR.

CAT foresees an obligation to protect alleged victims and witnesses who have made complaints of torture or other ill-treatment from intimidation or further ill-treatment for having made such a complaint (article 13), and also states that all allegations of torture or ill-treatment shall be impartially and promptly investigated (article 12), and that victims are entitled to support and rehabilitation (article 14).

The Committee against Torture has repeatedly affirmed that denial of adequate medical care in detention may amount to ill-treatment. The Istanbul Protocol (2022 edition) establishes standards for the effective investigation and documentation of torture and ill-treatment, including medical and psychological evaluation standards.

We would like to underline the provisions of article 10 of the ICCPR, guaranteeing that all persons deprived of their liberty shall be treated humanely and with respect for the inherent dignity of the human person.

Articles 7 and 10 of the ICCPR require that “persons deprived of their liberty must not be subjected to any hardship or constraint other than that resulting from the deprivation of liberty”, such as lack of access to appropriate and timely medical care, overcrowded cells and lack of access to facilities for basic hygiene (Human Rights Committee, *Dafnis v. Greece*, Views of 19 July 2022, [CCPR/C/135/D/3740/2020](#), para. 8.5; Human Rights Committee, *Pichugina v. Belarus*, Views of 7 July 2021, [CCPR/C/132/D/2711/2015](#), para. 6.3).

States must recognize in their domestic law the right to lodge complaints against torture or cruel, inhuman and degrading treatment prohibited by article 7 of the ICCPR and must investigate promptly and impartially all the complaints lodged (Human Rights Committee, [general comment No. 20](#), para. 14).

Basic Principles for the Treatment of Prisoners and the Nelson Mandela Rules

In addition, we would like to bring to your attention the Basic Principles for the Treatment of Prisoners, adopted without vote by the General Assembly resolution 45/111 on 14 December 1990, which provide that all prisoners shall be treated with respect due to their inherent dignity and value as human beings (principle 1). Prisoners shall have access to health services available in the country without discrimination on the grounds of their legal situation (principle 9).

We further recall that detention conditions and treatment should always comply with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the

Nelson Mandela Rules, [A/RES/70/175](#)), taking into account any personal vulnerability due to factors such as medical condition, among others.

Under rule 1 of the Nelson Mandela Rules: “All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.”

Under rule 2, the Nelson Mandela Rules “shall be applied impartially. There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion.”

According to rule 13, “[a]ll accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.”

According to rule 19(1), “[e]very prisoner who is not allowed to wear his or her own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him or her in good health. Such clothing shall in no manner be degrading or humiliating.”

Under rule 21, “[e]very prisoner shall, in accordance with local or national standards, be provided with a separate bed and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.”

Under rule 24, the provision of health care for prisoners is a State responsibility, free of charge, without discrimination on the grounds of legal status and at the same level as the health care services provided in the community.

Rule 27 provides that prisoners requiring specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals. Rule 27(2) states that “clinical decisions may only be taken by the responsible health-care professionals and may not be overruled or ignored by non-medical prison staff.”

In accordance with rule 30, “[a] physician or other qualified health-care professionals, whether or not they are required to report to the physician, shall see, talk with and examine every prisoner as soon as possible following his or her admission and thereafter as necessary. Particular attention shall be paid to: (a) Identifying health-care needs and taking all necessary measures for treatment; (b) Identifying any ill-treatment that arriving prisoners may have been subjected to prior to admission; (c) **Identifying any signs of psychological or other stress brought on by the fact of imprisonment, including, but not limited to, the risk of suicide or self-harm** and withdrawal symptoms resulting from the use of drugs, medication or alcohol; and undertaking all appropriate individualized measures or treatment; (d) In cases where prisoners are suspected of having contagious diseases, providing for the clinical isolation and adequate treatment of those prisoners during the infectious period” (emphasis added).

Under rule 31, “[t]he physician or, where applicable, other qualified health-care professionals shall have daily access to all sick prisoners, all prisoners who complain of physical or mental health issues or injury and any prisoner to whom their attention is specially directed”.

Rule 39(2) requires proportionality between a disciplinary sanction and the offence for which it is established and requires that prison administrations keep a proper record of all disciplinary sanctions imposed.

As per rule 41, any allegation of a disciplinary offence by a prisoner shall be reported promptly to the competent authority, which shall investigate it without undue delay. Prisoners shall be informed without delay of the nature of the accusations against them and shall be given adequate time and facilities for the preparation of their defense. Prisoners shall be allowed to defend themselves in person, or through legal assistance when the interests of justice so require, particularly in cases involving serious disciplinary charges. Prisoners shall have an opportunity to seek judicial review of disciplinary sanctions imposed against them.

Under rule 42, general living conditions addressed in the Nelson Mandela Rules, including those related to light, ventilation, temperature, sanitation, nutrition, drinking water, access to open air and physical exercise, personal hygiene, health care and adequate personal space, shall apply to all prisoners without exception.

Under rule 43, in no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment, including prolonged and indefinite solitary confinement. We also draw the attention that under the Nelson Mandela Rules solitary confinement of longer than 22 hours per day, or continuously for 15 days constitutes prohibited conduct per the absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment, even when applied as disciplinary sanctions or restrictive measures.

Rule 46 stresses that health-care personnel shall “*pay particular attention to the health of prisoners held under any form of involuntary separation, including by visiting such prisoners on a daily basis and providing prompt medical assistance and treatment at the request of such prisoners or prison staff*” and that “[h]ealth-care personnel shall report to the prison director, without delay, any adverse effect of disciplinary sanctions or other restrictive measures on the physical or mental health of a prisoner subjected to such sanctions or measures and shall advise the director if they consider it necessary to terminate or alter them for physical or mental health reasons” (emphasis added).

Under rule 58(1), prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals, including by corresponding in writing and using, where available, telecommunication, electronic, digital and other means. Furthermore, rule 58(1)(b) provides that prisoners shall be allowed to communicate with their family, at regular intervals, by receiving visits and rule 69 provides that individuals designated by a prisoner to receive his or her information shall be notified by the director of the prisoner’s serious illness or transfer to a health institution, among others.

According to rule 92, “(...) all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his or her social and criminal history, physical and mental capacities and aptitudes, personal temperament, the length of his or her sentence and prospects after release. 2. For every prisoner with a sentence of suitable length, the prison director shall receive, as soon as possible after his or her admission, full reports on all the matters referred to in paragraph 1 of this rule. Such reports shall always include **a report by the physician or other qualified health-care professionals on the physical and mental condition of the prisoner**. 3. The reports and other relevant documents shall be placed in an individual file. This file shall be kept up to date and classified in such a way that it can be consulted by the responsible personnel whenever the need arises” (emphasis added).

We would like to remind your Excellency’s Government that the Human Rights Committee has recommended that Belarus strengthens its efforts to improve conditions of detention and the provision of adequate and timely medical care, in accordance with the ICCPR and the Nelson Mandela Rules (Human Rights Committee, Concluding observations on the fifth periodic report of Belarus (2018), [CCPR/C/BLR/CO/5](#), para. 36(b)). The Committee against Torture has recommended that Belarus “[i]mprove access to and the quality of health care, including psychiatric care, for prisoners in all places of deprivation of liberty’ and ‘increase the number of professional medical staff in all detention facilities and ensure their independence and impartiality” (CAT, Concluding observations on the fifth periodic report of Belarus (2018), [CAT/C/BLR/CO/5](#), para. 22(f), emphasis added).

Right to health

As per article 12 of the International Covenant on Economic, Social and Cultural Rights, ratified by Belarus on 12 November 1973, States parties recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and take steps to achieve the full realization of this right, including those necessary for the creation of conditions which would assure to all medical services and medical attention in the event of sickness.

In particular, States are under the obligation to respect the right to health by refraining from denying or limiting equal access for all persons, including prisoners. Thus, it establishes an obligation to respect the right to health, inter alia, by providing prompt access to an independent and confidential medical examination to all persons deprived of liberty. Denying or limiting equal access for all persons, including prisoners or detainees to preventive, curative and palliative health services may amount to the violation of article 12 and article 2(2) of the ICESCR (Committee on Economic, Social and Cultural Rights (CESCR), general comment No. 14, para. 34, [E/C.12/2000/4](#)).

States must ensure age-appropriate detention conditions and medical care. Failure to accommodate age-related vulnerabilities may constitute discriminatory ill-treatment. In her 2022 report on older persons deprived of liberty, the Independent Expert on the enjoyment of all human rights by older persons has noted that detention

facilities are often not designed to accommodate older persons or to respond to their needs (paras. 43-45).

Incommunicado detentions and enforced disappearances

According to the International Convention for the Protection of All Persons from Enforced Disappearance (CED), article 2 “*enforced disappearance*” is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law” (emphasis added). This Convention is not ratified by Belarus.

In addition, we would like to draw the attention of your Excellency’s Government to the Declaration on the Protection of all Persons from Enforced Disappearance, adopted by the General Assembly resolution 47/133 on 18 December 1992. According to article 3 of the Declaration, the States shall prevent and terminate acts of enforced disappearance and take effective legislative, judicial or other relevant measures. Article 7 stipulates that no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearance. The prohibition of enforced disappearance has attained the status of jus cogens. In their Joint statement on so-called “short-term” enforced disappearances” ([CED/C/11](#)) the Committee on Enforced Disappearance and the Working Group have asserted that, the failure to acknowledge the deprivation of liberty of an individual by State agents constitutes an enforced disappearance even if it is of a short duration. In paragraph 15 this Joint Statement notes that “*enforced disappearance constitutes a grave human rights violation regardless of its duration*” (emphasis added).

Moreover, articles 9-12 of the Declaration establish the guarantees to be afforded to any person deprived of liberty. Article 13 of the Declaration sets forth the State’s obligation to investigate promptly, thoroughly, independently and impartially any complaints of enforced disappearance. Article 19 of the Declaration requires that victims of acts of enforced disappearance and their family obtain redress and integral reparation for the harm suffered. The Declaration also proclaims that each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction.

With a view of preventing enforced disappearance of persons deprived of their liberty, article 9 of the Declaration guarantees the right to a prompt and effective judicial remedy as a means of determining the whereabouts or state of health of persons deprived of their liberty, and it requires that competent national authorities shall have access to all places of detention or places which are believed to be used for detention purposes. Concealment of fate or whereabouts of inmates constitutes enforced disappearance under international law.

We further recall that article 10 of the Declaration requires that any person deprived of liberty be held in an officially recognized place of detention, that accurate information on their detention and place of custody be made promptly available to

family members, legal counsel or other persons having a legitimate interest, and that official up-to-date registers of persons deprived of liberty be maintained. Article 11 of the Declaration provides that persons deprived of liberty must be brought promptly before a judicial authority and must be afforded effective access to legal assistance, including the possibility to communicate with counsel. Article 12 of the Declaration requires that any act of enforced disappearance be promptly, thoroughly and impartially investigated by competent and independent authorities, even where there has been no formal complaint.

Enforced disappearances may amount to violations of article 6 (right to life), article 7 (prohibition of torture or cruel, inhuman or degrading treatment or punishment), article 9 (liberty and security of person), article 10 (right to be treated with humanity and dignity) and article 16 (right to recognition as a person before the law), read alone and in conjunction with article 2(3) (right to an effective remedy), of the ICCPR (Human Rights Committee, general comment No. 35, CCPR/C/GC/35, para. 17; general comment No. 36, CCPR/C/GC/36, paras. 57-58). Enforced disappearance may entail a violation of articles 7 and 17, read alone and in conjunction with article 2(3), of the ICCPR, with regards to relatives of the disappeared person.

We would like to remind your Excellency's Government that enforced disappearance has different impact depending on whom it targets. For instance, according to the Study on enforced or involuntary disappearances and economic, social and cultural rights by the Working Group on Enforced or Involuntary Disappearances 8 (A/HRC/30/38/Add.5), human rights defenders are also targeted to intimidate and prevent others from claiming and exercising their rights. Due to collective character of certain economic, social and cultural rights, the disappearance of one person may have a negative effect on the larger community.

We would like to draw the attention of your Excellency's Government to the fact that prolonged incommunicado detention is incompatible with article 2(1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, decision of 8 November 2013, CAT/C/51/D/376/2009, para. 6.4; 7 CAT, decision of 11 August 2017, CAT/C/61/D/654/2015, para. 7.6), and with article 7 of the ICCPR (Human Rights Committee, views of 8 July 2022, CCPR/C/135/D/3321/2019, para. 8.6; Human Rights Committee, general comment No. 20 (1992)).

The General Assembly has repeatedly affirmed that "prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment" and urged "all States to respect the safeguards concerning the liberty, security and dignity of the person and to ensure that prolonged incommunicado detention and secret places of detention and interrogation are abolished" (GA, Resolutions of 15 December 2022 (A/RES/77/209, para. 18), 18 December 2019 (A/RES/74/143, para. 17), 19 December 2017 (A/RES/72/163, para. 16), 17 December 2015 (A/RES/70/146, para. 13), 18 December 2013 (A/RES/68/156), para. 27), 19 December 2011 (A/RES/66/150, para. 22), 18 December 2009 (A/RES/64/153, para. 20).

Arbitrary detention

We would like to refer to article 9 of the ICCPR, which provides that no one shall be subjected to arbitrary arrest or detention or deprived of their liberty except on such grounds and in accordance with such procedures as are established by law. As interpreted by the Human Rights Committee in general comment No. 35 (CCPR/C/GC/35), the notion of “arbitrariness” is not to be equated with “against the law” but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity, and proportionality (paragraph 12). According to the same general comment (paragraph 17) and the jurisprudence of the Working Group on Arbitrary Detention, arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR, including freedom of opinion and expression under article 19, is arbitrary. Further, the Working Group on Arbitrary Detention has reiterated that a deprivation of liberty is arbitrary when it constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings.

Older persons in detention

We would like to recall that under rule 2(2) of the Nelson Mandela Rules, in order for the principle of non-discrimination to be put into practice, prison administrations shall take account of the individual needs of prisoners, in particular the most vulnerable categories in prison settings.

We would like to stress that older persons may be disproportionately affected by inhumane conditions of detention. According to the United Nations Principles for Older Persons, adopted by the General Assembly resolution 46/91 on 16 December 1991, older persons should be able to live in dignity and security and should have access to health care to help them to maintain or regain the optimum level of physical, mental and emotional well-being and to prevent or delay the onset of illness (paras. 11 and 17).

In her report on older persons deprived of liberty, the Independent Expert on the enjoyment of all human rights by older persons calls on paying special attention to applying the principles of necessity and proportionality when the deprivation of liberty is decided against older persons in the context of criminal justice, considering the severity of the offence, and whether the dignity of older persons is being protected based on their age and intersectional factors (A/HRC/51/27, para. 17). States must treat older persons with dignity during the entire duration of their detention and must take into consideration their specific needs with respect to their age, health and disability status. Those considerations are especially critical at every stage of the criminal justice process (especially pretrial, trial, sentencing, appeal and post-sentencing detention) (para. 15). The expert warned that older persons face heightened risk of discrimination, abuse and violence at all stages of their incarceration (para. 41).

Misuse of counter-terrorism and anti-extremism legislation

Although no universal treaty generally defines “terrorism”, States should ensure that counter-terrorism legislation is limited to criminalizing conduct which is properly and precisely defined on the basis of the international counter-terrorism instruments,¹ the General Assembly’s Declaration on Measures to Eliminate International Terrorism (1994), and Security Council resolution 1566 (2004). Based on these authoritative sources, the model definition of terrorism advanced by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism provides clear, “best practice” guidance, by identifying conduct that is genuinely terrorist in nature and precisely defining the elements (A/HRC/16/51 (2010) as revised by A/HRC/61/52 (2026)).

The principle of legal certainty, enshrined in article 15 of the ICCPR and article 11 of the Universal Declaration of Human Rights, requires that criminal laws are sufficiently precise so it is clear what types of behavior and conduct constitute a criminal offense and what would be the consequence of committing such an offense. This principle recognizes and seeks to prevent ill-defined and/or overly broad laws which are open to arbitrary application and abuse, including to target civil society on political or other unjustified grounds (A/70/371, para. 46(b)) and suppress the exercise of fundamental rights and freedoms (A/HRC/40/52). States must ensure that counter-terrorism legislation is limited to criminalizing properly and precisely defined conduct, for example based on the provisions of international counter-terrorism instruments and is strictly guided by the principles of legality, necessity, proportionality and non-discrimination.

Any measures taken to combat terrorism or violent extremism must comply with the obligations of States under international law, in particular international human rights law, refugee law and international humanitarian law.² We would like to stress that counter-terrorism legislation with penal sanctions should not be misused against individuals exercising their rights protected under international law. States must ensure that measures to combat terrorism and preserve national security do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights (A/HRC/RES/22/6, para. 10(a)). We remind your Excellency’s Government that the General Assembly has unanimously recognized that effectively combatting terrorism and ensuring respect for human rights are not competing but complementary and mutually reinforcing goals in the Global Counter-Terrorism Strategy (A/HRC/60/288).

Further, according to the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, “the term ‘extremism’ has no place in binding international legal standards and, when operating as a criminal legal category, is irreconcilable with the principle of legal certainty; it is therefore per se incompatible with the exercise of certain fundamental human rights” (A/HRC/43/46, para. 14).

¹ See https://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2_en.xml.

² Security Council resolutions 1373 (2001), 1456 (2003), 1566 (2004), 1624 (2005), 2178 (2014), 2242 (2015), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017); Human Rights Council resolution 35/34; and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180, among others

The designation of “terrorist” individuals or organizations must satisfy the grounds for listing and ensure due process and judicial protection under international human rights law, as set out by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/HRC/16/51, para. 35 and A/80/284, paras. 17-39). Specifically, the criteria for listing must be clearly established by law and publicized. There must be reasonable grounds to believe, based on credible and convincing evidence, that the individual or entity: (a) has knowingly carried out, participated in or facilitated a terrorist act; (b) intends to engage further in terrorism; and (c) is capable of so engaging. A higher standard of proof, such as the balance of probabilities, is recommended. The definition of terrorism must be limited to conduct that is genuinely terrorist in accordance with best practice international standards. To list an organization, it must have the substantial purpose of engaging in terrorist offences. Even where an individual or entity meets the formal criteria, listing must still be necessary and proportionate in the circumstances, including by demonstrating that less invasive means, such as surveillance and criminal investigation, would be ineffective.

Any restriction of rights resulting from listing, including financial and criminal law measures, must be necessary and proportionate in pursuit of the counter-terrorism aim and be non-discriminatory. Measures must be applied individually and not automatically or en masse. The protracted or indefinite maintenance of restrictive measures, including asset freezes and travel bans, may become disproportionate and quasi-punitive over time. Protracted listings should also be more intensively scrutinized because they will likely have reduced the threat over time.

The following minimum due process rights should apply to listings: (a) A right to be promptly informed of the listing (ordinarily ex ante, exceptionally ex post facto) and its factual grounds, the consequences of listing and the procedural rights. There must be sufficient disclosure of the information supporting the listing to enable the person to effectively challenge it, instruct their lawyer and enjoy equality of arms in proceedings; (b) A right to apply to the decision maker for delisting or non-implementation of the measures, and a subsequent right to re-apply for such relief where there is a material change of circumstances or new evidence; (c) A right to judicial review of the listing, affording due process, legal assistance and legal aid as required. The court must have the power to suspend the listing pending final decision. Judicial review should be prompt and automatic, not only on application; (d) The listing should be regularly reviewed, at least every six months, 39 to determine whether the listing and the measures are still lawful, necessary and proportionate; (e) The listing should lapse automatically after 12 months, unless renewed afresh; (f) Reparation, including compensation, must be available for wrongful listing, including for affected third parties.

Fair trial and due process

We respectfully recall that article 14(1) of the ICCPR sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law. Article 14 of the ICCPR provides a set of procedural guarantees that must be made available to persons charged with a criminal offence, including the right of accused persons to have access to, and communicate with, a counsel of their own choosing.

These guarantees provide that lawyers are entitled to perform their professional functions without any threat, intimidation, harassment or interference, and without suffering, or being threatened with, prosecution or any administrative or disciplinary sanctions for actions undertaken in accordance with professional duties and ethical standards (see principle 16 of the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Havana, 1990)).

Freedom of expression

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Committee states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output.

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) of the ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, and the restrictions must be “the least intrusive instrument among those which might achieve their protective function” (CCPR/C/GC/34, para. 34).

Article 19(3) of the ICCPR may never be invoked to justify the muzzling of any advocacy of democratic tenets and human rights (para. 23). Nor, under any circumstance, can an attack on a person, because of the exercise of their freedom of opinion or expression, including such forms of attack as arbitrary arrest and torture, be compatible with article 19 of the ICCPR (CCPR/C/GC/34, para. 23). The Human Rights Committee also explicitly noted that the penalization of a media outlet or journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression (CCPR/C/GC/34, para. 42).

Any restriction on expression or information that a government seeks to justify on grounds of national security and counter-terrorism must have the genuine purpose

and demonstrable effect of protecting a legitimate national security interest (CCPR/C/GC/34).

Right to an effective remedy

Article 2(3) of the ICCPR enshrines the right to an effective remedy. It provides that States parties have the obligations to ensure that: (a) any person whose rights or freedoms are violated have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) any person claiming such a remedy has such right determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; and (c) the competent authorities enforce such remedies. The right to an effective remedy is a key element of the full enjoyment of human rights. Without access to an effective remedy, human rights violations go unpunished, and victims may be deprived of justice, compensation and their human dignity.

Equality and non-discrimination

Article 2 of the ICCPR requires that States respect and ensure to all individuals within their territory and jurisdiction the rights protected under the Covenant without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Article 26 of the ICCPR further provides that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. It requires that the law “prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

The full texts of the human rights instruments and standards recalled above are available on <http://www.ohchr.org/> or can be provided upon request.