

Stakeholder Report for the United Nations Universal Periodic Review

Belarus: 50th session of UPR 4th Cycle

Situation of Lawyers in Belarus

Submitted by the International Observatory for Lawyers in Danger (OIAD)

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About the International Observatory for Lawyers in Danger (OIAD)

The International Observatory for Lawyers in Danger (OIAD) is an initiative founded by the French National Bar Council (CNB), the Italian National Bar Council (CNF), the Spanish National Bar Council (CGAE) and the Paris Bar. Launched in 2016, its aim is to defend lawyers threatened in the practice of their profession and to denounce situations that infringe the rights of the defense. The Observatory is currently supported by almost 50 members and its mandate is to assist lawyers who, in the exercise of their profession, are victims of threats and persecution, and to raise awareness among political stakeholders and civil society of the fundamental role played by lawyers in safeguarding rights and freedoms.

I. INTRODUCTION

1. Belarus is under an authoritarian regime led by Alexander Lukashenko, who has been in power since 1994. Since the highly controversial presidential elections of August 2020, repression against opponents has intensified, leading to the collapse of the rule of law and fundamental freedoms.
2. Lacking political pluralism, the country sees opposition parties marginalized, their leaders imprisoned or forced into exile, while independent media face strict censorship¹.
3. In this climate of repression, human rights lawyers have become prime targets of the regime, which seeks to silence those protecting fundamental freedoms. This phenomenon, referred to as *legal default*, deprives defense lawyers of the ability to effectively carry out their mission².
4. Essential to protecting fundamental rights and defending political prisoners, lawyers face growing obstacles: arbitrary arrests, disbarments, unfair trials, and tighter control over the profession. This systematic crackdown on legal defenders threatens their existence and access to justice in Belarus.
5. The International Observatory for Lawyers in Danger (OIAD) has documented these persecutions and their impact on access to justice in Belarus.
6. This report, submitted as part of the 50th cycle of the Universal Periodic Review of the Human Rights Council, aims to highlight these violations and emphasize the urgency of taking action to protect the profession and ensure fair trials.

II. THE INABILITY OF LAWYERS TO GUARANTEE THE RIGHT TO DEFENSE UNDER STATE CONTROL

1. Total government control over the admission to the profession and the bar association.

7. The Belarusian judicial system is under the control of President Lukashenko, who appoints and dismisses the majority of judges based on proposals from court presidents, who are themselves appointed by the head of state.³ This control extends to lawyers. In theory, *Law on the Bar* affirms the independence of lawyers in the exercise of their professional activities⁴ as one of the fundamental principles of the

¹ The International Observatory for Lawyers in Danger (OIAD) in collaboration with the Belarusian Association of Human Rights Lawyers (BAHRL), International day for lawyer in danger Belarus, 2025, p.2

² The Crisis of the Legal Profession in Belarus: How to Return the Right to Defense, p. 1.

³ The International Observatory for Lawyers in Danger (OIAD) in collaboration with the Belarusian Association of Human Rights Lawyers (BAHRL), International day for lawyer in danger Belarus, 2025, p.1.

⁴ *Ibid.*, p. 2.

organization of the bar and the legal profession⁵, which falls under the responsibility of the state⁶. This principle includes, in theory, the prohibition of interference in lawyers' professional activities by bodies responsible for criminal proceedings, other state authorities, as well as other organizations and officials⁷. However, this independence is strictly limited to professional practice (client relations and procedural acts), excluding areas namely freedom of expression and public engagement, in contradiction with the *Basic Principles on the Role of Lawyers*⁸.

8. According to the Special Rapporteur on the independence of judges and lawyers, bar associations must be self-governing, free from interference, and crucial in protecting lawyers' rights and ensuring access to justice. However, in Belarus, the government exerts direct or indirect control over these organizations, undermining their ability to represent lawyers' interests and defend the legal profession's integrity⁹.
9. Since the amendments to the *Law on the Bar* on May 27, 2021, the Ministry of Justice has been granted expanded powers over bar associations management and can intervene arbitrarily in the practice of the profession. It appoints and dismisses bar association leaders, preventing any opposition to the regime¹⁰.
10. The state controls the legal profession's admission process through an opaque and arbitrary system that enables the ideological selection of lawyers, replacing independent lawyers with those loyal to the regime. The 2011 Bar Law sets several conditions for admission (citizenship, degree, internship, exam, license, and membership in the local bar), but their application is vague and arbitrary. Since 2021, the Ministry's approval of interns, lacking transparent criteria, has allowed arbitrary exclusions. The Qualification Commission, responsible for organizing the bar exam under the Ministry of Justice's authority, is chaired by the Deputy Minister of Justice, who has a casting vote. It is mostly composed of state representatives, with few lawyers, and has significant discretionary power over candidates, especially in the oral exam. Its decisions are not subject to judicial appeal. Several measures benefit former state and security officials, who are exempt from the written exam and a shortened internship. Finally, even after passing the exam, obtaining the Ministry's license and local bar approval remains mandatory, ensuring the Ministry of Justice's total control over access to the profession.^{11 12}
11. The United Nations Special Rapporteur on the human rights situation in Belarus has condemned these systematic interferences by the authorities, particularly against lawyers defending political opponents.¹³
12. Thus, despite being meant to guarantee the independence of lawyers, bar associations have become instruments of state repression. Although meant to ensure the independence of lawyers, bar associations

⁵ Law on the bar, Art. 4§5.

⁶ *Ibid.*, Art. 37, Clause 1.

⁷ Law on the bar, Art. 4§9.

⁸ The Crisis of the Legal Profession in Belarus: How to Return the Right to Defense, p. 30.

⁹ *Ibid.*, p. 81-101.

¹⁰ *Ibid.*, p. 30.

¹¹ *Ibid.*, p. 27-29.

¹² Submission to the Special Rapporteur on the Situation of Human Rights in Belarus, p. 10-11.

¹³ *Ibid.*, p. 9-10 ; The Crisis of the Legal Profession in Belarus: How to Return the Right to Defense, p. 30.

have instead become tools of state repression, stripped of autonomy and placed under government control¹⁴.

13. The Belarusian government uses bar associations to control and punish lawyers deemed too critical, imposing threats of disbarment and disciplinary sanctions on those handling sensitive cases¹⁵. This repressive environment has led to widespread self-censorship among lawyers. Fear of reprisals and severe sanctions discourages many from taking on political cases, reducing the number of lawyers defending dissidents and making access to a fair defense harder. This paralysis of the judicial system strengthens the executive's hold over the courts, turning them into instruments of political repression¹⁶.
14. The state interference in the work of lawyers severely impacts the right to a fair trial by preventing defenders from carrying out their mission. The suspension of lawyers during politically motivated trials neutralizes any defense, making effective recourse and impartial judgment impossible.

2. The abolition of professional secrecy and its impact on the defense

15. The professional secrecy of lawyers in Belarus is initially defined by the Law on the Bar (Article 1§4), which protects information received from clients and legal consultations. However, a 2012 law removed this protection, making professional secrecy vulnerable. As a result, lawyers no longer have the guarantee that they cannot be compelled to testify about information exchanged with their clients. This legislative change has led to abuses, such as using lawyers as witnesses in criminal cases. A lawyer who has testified can no longer participate in the defense, preventing a continuous and fair defense¹⁷.
16. Frequent searches in lawyers' offices allow authorities to access sensitive documents, including those protected by professional secrecy. A striking example is the arrest and document seizure of lawyer Liudmila Kazak in 2020¹⁸.
17. The absence of a procedure to protect professional secrecy during searches, despite 2018 Constitutional Court recommendations, worsens the situation. These searches are often conducted without prior legal authorization, depriving lawyers of confidentiality guarantees.
18. Finally, authorities can conduct searches in courts, investigative bodies, and detention centers, forcing lawyers to hand over phones or recording equipment at any time. Lawyer Lizaveta Mastveyeva faced this when an investigator demanded her phone, compromising the interrogation's integrity¹⁹.

3. Restrictions on access to clients, undermining the right to confidentiality

¹⁴ Submission to the Special Rapporteur on the Situation of Human Rights in Belarus, p. 9.

¹⁵ The Crisis of the Legal Profession in Belarus: How to Return the Right to Defense, p. 4.

¹⁶ The International Observatory for Lawyers in Danger (OIAD) in collaboration with the Belarusian Association of Human Rights Lawyers (BAHRL), International day for lawyer in danger Belarus, 2025, p. 3.

¹⁷ The Crisis of the Legal Profession in Belarus: How to Return the Right to Defense, p. 45-48.

¹⁸ *Ibid.*, p. 47.

¹⁹ *Ibid.*, p. 47.

19. Lawyers in Belarus are systematically prevented from accessing their detained clients. Although the Constitution guarantees the right to legal assistance, this access is often restricted by arbitrary practices of the authorities.
20. Lawyers' right to immediate access to their clients is also compromised. During the arrest of Mr. V. Babaryka in 2020, his lawyer was unable to meet with him for the entire day of his detention²⁰. Moreover, in pretrial detention centers, lawyers must obtain written authorization from the investigator to visit their client, which can result in significant delays²¹.
21. Communications between lawyers and their clients are severely hindered by constant surveillance. In police stations and investigative bodies, the necessary conditions for confidential exchanges are nonexistent, as meetings take place in open offices, often without physical separation and sometimes equipped with transparent partitions, which reduces audibility and prevents the exchange of documents²². Prison facilities are also subject to constant monitoring by prison officers, particularly through the surveillance of lawyer-client communications²³.

4. Restrictions on access to information, combined with the censorship of documents

22. Lawyers are often denied access to key information, especially due to the political nature of the cases²⁴. They are also prohibited from reproducing or disclosing certain documents, limiting their ability to provide effective defense. This censorship extends to correspondence between the lawyer and client²⁵.

5. The lack of legal aid and the pressure exerted on lawyers.

23. The legal aid system in Belarus is virtually nonexistent²⁶. Only the initial consultation before the first interrogation is truly free for the citizen. Lawyers must cover the costs in criminal cases, as the state recoups these expenses from the convicted individual. Lawyers are prohibited from offering *pro bono* services and must adhere to fixed fees, making access to effective defense harder for economically vulnerable individuals²⁷.

²⁰ *Ibid.*, p. 34.

²¹ *Ibid.*, p. 35.

²² The Crisis of the Legal Profession in Belarus: How to Return the Right to Defense, p. 43.

²³ *Ibid.*, p. 46.

²⁴ The International Observatory for Lawyers in Danger (OIAD) in collaboration with the Belarusian Association of Human Rights Lawyers (BAHRL), International day for lawyer in danger Belarus, 2025, p. 4.

²⁵ The Crisis of the Legal Profession in Belarus: How to Return the Right to Defense, p. 44-45.

²⁶ *Ibid.*, p. 101.

²⁷ *Ibid.*, p. 98-101.

24. Additionally, authorities exert pressure on lawyers, including the possibility for investigators to prevent them from providing legal assistance. For example, in 2020, lawyer Dimitri Laevski was barred from assisting a client due to a "review" of the law by the Ministry of Justice, compromising his duties²⁸.

Recommendations:

- 1) Ensure an independent judicial system enabling lawyers to exercise their profession in appropriate conditions and without interference.
- 2) Build an institution of free legal aid on the terms of compliance with the generally recognized principles of accessibility, full provision of the right to defence, and sufficient financial security from the state budget.
- 3) Ensure the direct application of the norms of Article 62 of the Constitution and international treaties of the Republic of Belarus, which provide for the right to use the assistance of a lawyer at any time, regardless of whether it is provided for by a special normative legal act.

III. MASS PERSECUTION OF LAWYERS

1. Arbitrary arrests and detentions

25. Between September 2020 and February 2023, 23 lawyers were jailed for their commitment to defending human rights and political opponents²⁹. During interrogations, they were questioned about their cases, professional relationships, and financial situation.
26. Police raids targeting lawyers defending journalists, opposition activists, and repression victims have escalated, turning the judicial system into a tool to silence dissent and reinforce a climate of fear.
27. Several lawyers have faced arrests, violence for practicing their profession or expressing criticism of the authorities:
- Vitali Braginets³⁰ : Arrested by the KGB³¹ on May 23, 2022, this lawyer, known for defending political cases, was initially detained for a protest-related check. He was later sentenced to 15 days for "attempting to flee." Instead of being released, he was charged with extremism and calling for

²⁸ *Ibid.*, p. 45.

²⁹ The Crisis of the Legal Profession in Belarus: How to Return the Right to Defense, p. 59-61.

³⁰ OIAD, "Case of Vitaly Braginets", consulted on 01/04/2025, [[Available here](#)]

³¹ The KGB (Committee for State Security) was the main security and intelligence agency of the Soviet Union from 1954 to 1991, responsible for surveillance, political repression, and espionage. In Belarus, the KGB still operates under the same name and continues to carry out state security functions, including monitoring political opponents and suppressing protests.

sanctions. Recognized as a political prisoner in July 2022, he was ultimately sentenced to eight years in prison in February 2023.³²

- Aliaksandr Danilevich³³ : Arrested on May 20, 2022, after defending athletes critical of the regime and signing an anti-war petition. He was detained by the KGB and accused of calling for sanctions against the state.³⁴
- Anastasiya Lazarenko³⁵ : Arrested on June 2, 2022, for "incitement to hatred." Police forcibly entered her home, breaking doors and windows before taking her into pretrial detention.³⁶
- On June 14, 2022, five lawyers were arrested due to the content of a private conversation on their professional messaging platform.³⁷

2. Psychological pressures

28. The psychological pressure exerted on lawyers by the state to deter them from speaking publicly, particularly in politically sensitive cases, is pervasive.³⁸
29. On February 5, 2021, at a bar association conference, a senior Belarusian Justice Ministry official, Elena Radabolskaya, threatened lawyers with critical views, calling them "ballast to be eliminated".³⁹
30. On March 4, 2021, the Deputy Minister of Justice, Nikolai Starovoitov, escalated this intimidation, stating that the state would take action against overly engaged lawyers and use the suspension of their duties as a means of pressure.⁴⁰ State media contribute to the intimidation campaign. On March 17, 2021, *SB. Belarus Today* compared certain lawyers to "weeds" needing removal. In November 2020, it dismissed their work as "bad." These attacks seek to discredit and isolate critics of the regime.⁴¹
31. Despite international protections guaranteeing lawyers' freedom of expression⁴² most sanctions between 2020 and 2022 targeted them for exercising this right, even though their actions complied with international law and ethical standards.⁴³

³² The Crisis of the Legal Profession in Belarus: How to Return the Right to Defense, p. 60.

³³ OIAD, Protect Lawyers, "Case of Aliaksandr Danilevich", consulted on 01/04/2025, [[Available here](#)].

³⁴ *Ibid.*, p. 61.

³⁵ OIAD, Protect Lawyers, "Case of Anastasiya Lazarenka," consulted on 01/04/2025, [[Available here](#)]

³⁶ The Crisis of the Legal Profession in Belarus: How to Return the Right to Defense, p. 61.

³⁷ *Ibid.*, p. 61.

³⁸ *Ibid.*, p. 57-58.

³⁹ *Ibid.*, p. 58.

⁴⁰ The Crisis of the Legal Profession in Belarus: How to Return the Right to Defense, p. 58.

⁴¹ *Ibid.*, p. 59.

⁴² The International Covenant on Civil and Political Rights guarantees freedom of expression and peaceful assembly, including the right of lawyers to express themselves and participate in public debates without arbitrary restrictions.

⁴³ The Crisis of the Legal Profession in Belarus: How to Return the Right to Defense, p. 65.

3. Arbitrary disbarments of lawyers

32. Since 2020, the Belarusian Ministry of Justice has revoked lawyers' licenses and expelled them from the bar for public statements or handling political cases. Intimidation is also driven by bar associations.
33. On February 9, 2021, lawyer Dmitri Laevski was threatened with disbarment, as happened to Aliaksandr Pylchanka, who was struck off for denouncing legal violations against his client, politician Viktor Babaryka and the ban on independent journalists from attending the trial.⁴⁴
34. At least 139 lawyers were deprived of their right to exercise their profession on the basis of misconduct incompatible with the title of lawyer (16/139), the results of the certification or re-certification by the qualification commission under the aegis of the Ministry of Justice (76/139) and the decision of the disciplinary commission of the territorial bar (Council of the territorial bar) (47/139)⁴⁵
35. Between 2020 and December 2023, 128 lawyers were disbarred, often for defending opposition figures. On May 29, 2023, the Qualification Commission revoked the licenses of Yuri Kozikov and Atem Semyanov, and sanctioned Alexander Ulasevich and Svetlana Yakusheva for donating to a solidarity fund.⁴⁶

4. Legal proceedings used as tools of repression against lawyers

36. Though Belarusian law guarantees lawyers' independence, these protections are systematically violated.
37. According to international law, codes of conduct for lawyers must be established by the profession itself or by legislation, in accordance with national and international standards.
38. Disciplinary actions: Between 2020 and 2022, at least 60 lawyers were disbarred by the Justice Ministry or bar associations⁴⁷. Many had signed petitions or public statements condemning human rights abuses. These collective appeals were later used to deny their recertification. During disciplinary procedures, the signing of collective appeals was used as a reason to deny their recertification.⁴⁸
39. Maksim Znak, who defended opposition figures and contested the 2020 election results, was arrested on September 9, 2020, and sentenced to 10 years for conspiracy, extremism, and endangering national security. In April 2022, the UN ruled his arrest violated international law⁴⁹.

⁴⁴ *Ibid*, p. 58.

⁴⁵ The International Observatory for Lawyers in Danger (OIAD) in collaboration with the Belarusian Association of Human Rights Lawyers (BAHRL), International day for lawyer in danger Belarus, 2025, p. 5.

⁴⁶ Submission to the Special Rapporteur on the Situation of Human Rights in Belarus, p. 7.

⁴⁷ The Crisis of the Legal Profession in Belarus: How to Return the Right to Defense, p. 72.

⁴⁸ *Ibid.*, p. 66.

⁴⁹ The UN Working Group on Arbitrary Detention concluded in April 2022 that his arrest violated several articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

40. Authorities, backed by bar leadership, deliberately use sanctions and prosecutions as tools of repression against lawyers for simply fulfilling their duties. The Ministry of Justice can suspend lawyers as soon as a disciplinary procedure begins, preventing them from defending clients.

Recommendations:

- 4) Ensure that all lawyers can carry out their professional duties and exercise their right to freedom of expression without intimidation, hindrance or improper interference. This includes guaranteeing, through national legislation, the right to confidential lawyer-client communication and immediate access to detained clients, with full respect for confidentiality.
- 5) Transparently investigate all incidents of harassment or intimidation of lawyers, as well as allegations of torture and ill-treatment, imposing appropriate sanctions on the perpetrators.
- 6) Immediately and unconditionally release all lawyers currently arbitrarily detained, and drop all charges related to legitimate exercise of their professional duties.
- 7) Halt all acts of intimidation and harassment of lawyers, including arbitrary arrest and detention.
- 8) Halt the persecution of imprisoned lawyers, guarantee their fair treatment in accordance with international human rights standards, and protect their rights to due process, human conditions of detention and against all forms of arbitrary punishment.
- 9) Ensure that disciplinary sanctions against lawyers are imposed by an impartial body, guaranteeing a fair trial, the right to defense, and the right to appeal.
- 10) Ensure that any sanction and decision is legally grounded, pursues a legitimate objective, and remains proportionate.