

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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BELARUS: BUSINESSES HAVE THE RESPONSIBILITY TO RESPECT HUMAN RIGHTS IN THE CONTEXT OF THE CRACKDOWN ON PROTESTS

The precarious human rights situation in Belarus requires businesses, equally foreign and national, to exercise particular diligence when operating in the country. As laid out in the UN Guiding Principles on Business and Human Rights (UN Guiding Principles), business enterprises have a responsibility to respect human rights wherever they operate in the world. The UN Guiding Principles require that business enterprises take pro-active steps to ensure that they do not cause or contribute to human rights abuses within their global operations and respond to any human rights abuses when they do occur. The corporate responsibility to respect human rights exists independently of a state's ability or willingness to fulfil its own human rights obligations, over and above compliance with national laws and regulations protecting human rights. It equally applies to state-owned or state-controlled business enterprises without limiting or undermining the state's own human rights obligations.

Concretely, this means that, where actions by the Belarusian authorities do not meet international human rights law and standards, companies working in Belarus must still act to ensure respect for human rights throughout their Belarus operations, services and use of products, to the greatest extent possible. Businesses must also be able to demonstrate their ongoing efforts to do so.

Presently, this particularly concerns the authorities' response to the peaceful protests in Belarus. Mass peaceful protests erupted across the country after the widely disputed presidential election on 9 August 2020. The authorities responded with mass arbitrary arrests, detention and torture and other ill-treatment of protesters, journalists, medical workers and bystanders, and intensified their wider ongoing government crackdown on the rights to freedom of expression, association and peaceful assembly.

In order to meet their responsibility to respect human rights, businesses must carry out human rights due diligence to identify, prevent, mitigate and account for how they address their human rights impacts, and those that may arise from their business relationships. If a business identifies that it may cause or contribute to human rights abuses, and that it cannot prevent these abuses and mitigate adverse impact, it should not undertake the relevant activity. If a business identifies that its products or services are misused by another entity or actor for human rights violations, or are used to carry out human rights abuses, they should use their leverage and work to prevent this, and vigorously oppose any misuse and pursue all available legal avenues to end it. Furthermore, businesses should communicate publicly how they addressed the misuse of their services and products.

When businesses are confronted with any government requests or directives which would breach international human rights norms, they should make known to the government as well as publicly the enterprise's principled opposition to implementing these requests. They should make transparent any agreements with, or orders by, the government and also exhaust all legal remedies and appeals in Belarus and internationally before complying with state directives where these have human rights implications.

It has been alleged that the near-total shutdown of mobile internet throughout Belarus during the first three days of post-election peaceful protests, on 9 – 11 August 2020, has been the result of instructions from the authorities to internet providers, whether official or informal. There have been further disruptions of mobile internet since. The blackout adversely impacted the rights to freedom of expression, peaceful assembly and people's ability to freely seek, receive and impart information. Should this be the case, internet providers should oppose such measures and make their opposition to mobile internet shutdown known to the government and to the public, and pursue all legal options to challenge the measure – to prevent the shutdown as well as challenge it subsequently.