

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	274
Land:	Belarus (Hviderusland)
Kilde:	UN General Assembly
Titel:	Summary of Stakeholders' submissions on Belarus
Udgivet:	17. februar 2020
Optaget på baggrundsmaterialet:	24. marts 2021



General Assembly

Distr.: General
17 February 2020

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Thirty-sixth session
4–15 May 2020

Summary of Stakeholders' submissions on Belarus*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of twenty stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies²

2. Joint Submission 3 (JS3) recommended that the State ratify the International Convention for the Protection of All Persons from Enforced Disappearance.³

3. JS3 recommended that the State join the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.⁴

4. JS3 recommended that the State join the Optional Protocol to the Convention against Torture and establish a national preventive mechanism in accordance with the Optional Protocol.⁵

5. JS3 recommended that the State make a declaration recognizing the competence of the Committee against Torture in accordance with articles 21 and 22 of the Convention against Torture.⁶

6. Human Rights Watch (HRW) recommended that the Government ratify the Rome Statute of the International Criminal Court and implement it in national legislation.⁷

* The present document was not edited before being sent to United Nations translation services.



7. The Advocates for Human Rights (AHR) and Joint Submission 4 (JS4) recommended that the Government ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence.⁸

8. JS3 recommended that the State consider joining the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.⁹

9. The International Campaign to Abolish Nuclear Weapons (ICAN) recommended that Belarus sign and ratify the UN Treaty on the Prohibition of Nuclear Weapons as a matter of international urgency.¹⁰

10. JS3 stated that the State still failed to comply with the Views of the Human Rights Committee.¹¹

11. HRW recommended that the Government grant unfettered access to international human rights monitors, including the UN Special Rapporteur on the situation of human rights in Belarus and other special procedures mandate holders.¹²

B. National human rights framework¹³

12. JS3 recommended that the Government create a national human rights institution in accordance with the Paris Principles.¹⁴

13. Joint Submission 5 (JS5) stated that there was no practice to officially introduce draft laws in the two State languages.¹⁵

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination¹⁶

14. JS3 recommended that the State adopt comprehensive anti-discrimination legislation, defining direct and indirect discrimination, as well as other forms of its manifestation.¹⁷

15. JS3 stated that one of the significant problems in the implementation and protection of the right to equal treatment and non-discrimination was the lack of effective mechanisms for handling discrimination complaints. It recommended that the State create an effective mechanism for protection against and prevention of discrimination, including mandatory anti-discrimination assessment of draft regulatory legal acts.¹⁸

16. JS3 stated that the Government had not taken additional measures to reduce instances of racial discrimination. There were no separate statistics available on such cases.¹⁹

17. JS3 stated that there were no separate statistics on hate crimes and that sentences on hate crimes often referred to hooliganism, instead of a bias motive.²⁰

18. JS3 stated that there were still incidences of discrimination against Roma. It stated that there was no State program for social integration of the Roma population, which made it virtually impossible for the Roma to exercise their rights.²¹

19. JS3 recommended that the State develop legislation on the rights of persons with disabilities, driven by anti-discrimination and human rights approaches.²²

Development, the environment, and business and human rights

20. The Group of States against Corruption of the Council of Europe (GRECO) expressed its strong concern in respect of the continuous non-compliance with GRECO's recommendations by the authorities. It stated that the large majority of the recommendations that GRECO issued to Belarus in the Evaluation report related to fundamental anti-corruption requirements, such as strengthening the independence of the

judiciary, and of the prosecution office, as well as increasing the operational autonomy of the law enforcement; limiting immunity protection; strengthening the regime for access to public information; establishing research and a strategy against corruption and ensuring involvement of civil society in the fight against corruption.²³

21. Ecohome stated that Belarus continued the harassment of environmental activists, in the form of detentions, arrests, prohibition of entry into the country, and searches and the seizure of information materials.²⁴

2. Civil and political rights

*Right to life, liberty and security of person*²⁵

22. Forum 18 stated that death-row prisoners were informed of their executions only minutes beforehand. The bodies of executed prisoners were not given to families, the date and place of burial was secret, and no opportunity was given for a religious burial service.²⁶

23. The Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) stated that the lack of transparency and the secrecy surrounding executions in Belarus may constitute cruel, inhuman or degrading treatment, or even torture.²⁷

24. JS3 recommended that the Government abolish the death penalty, and, as an interim measure, establish a moratorium on executions as soon as possible.²⁸

25. HRW recommended that the Government adopt a roadmap with the Council of Europe to a moratorium on capital punishment and establish the moratorium on the death penalty with a view to its permanent abolition.²⁹

26. JS3 stated that the abolition of the death penalty was not widely covered in the State media and was not a subject of a wide public debate.³⁰

27. JS3 stated that the State had not defined torture as a specific crime in accordance with article 1 of the Convention against Torture. The offences provided by the Criminal Code did not criminalize the whole range of acts of torture.³¹

28. HRW recommended that the Government ensure absolute prohibition of torture and other ill-treatment.³²

29. JS3 recommended that the State include a special provision in the Criminal Code establishing liability for all acts of torture in accordance with the Convention against Torture.³³

30. JS3 recommended that the State incorporate into national legislation a provision ensuring suspension of criminal court proceedings prior to verification of statements of the accused about the use of torture against him in order to obtain a confession.³⁴

31. JS3 recommended that the State establish an independent and effective mechanism for receiving complaints submitted by victims of torture and ill-treatment to the State authorities, and ensure prompt, impartial and comprehensive investigation of all complaints. It also recommended that the State ensure the suspension of duty of all officials subject to criminal procedure during the investigation.³⁵

32. JS3 recommended that the State, in collaboration with human rights organizations, provide regular training to prosecutors, judiciary and law enforcement officials on issues related to the provisions of the Convention against Torture and the absolute prohibition of torture.³⁶

33. JS3 recommended that the Government take the necessary measures for the full and effective investigation of cases related to the disappearance of political opponents.³⁷

34. HRW recommended that the Government bring detention conditions in line with international standards.³⁸

35. JS3 stated that Belarus had no independent bodies authorized to visit places of detention without prior notice, including psychiatric hospitals and other places of forced detention. The existing Public Monitoring Commission could visit places of detention only

with the permission of the Department of Execution of Sentences of the Ministry of Internal Affairs. The members of the Commission were not entitled to take photos and videos or accept complaints from prisoners.³⁹

36. HRW recommended that the Government prohibit the use of forced psychiatric treatment and hospitalization, including as punishment. It also recommended that the Government abolish laws that allow for the deprivation of legal capacity.⁴⁰

*Administration of justice, including impunity, and the rule of law*⁴¹

37. JS3 stated that the legislation did not provide for clear criteria on appointing judges for an indefinite term. As a general rule, judges were appointed for a five-year term, then reassigned for another one. The question of judges' appointment for another five-year or an indefinite term was decided arbitrarily. JS3 stated that the President had an extremely vast range of opportunities to dismiss judges or bring disciplinary proceedings against them. The Judicial Code contained no provisions for judges to appeal the President's decisions on imposing disciplinary sanctions, including dismissal.⁴²

38. JS3 stated that courts often refused to initiate judicial proceedings on cases challenging the actions of State bodies, law enforcement agencies and election commissions. Such refusals were the most common in cases of discrimination, cases of appealing a refusal to provide socially significant information or environmental information, as well as in cases of challenging the actions of election commissions during elections.⁴³

39. JS3 recommended that the State take measures to ensure in law and in practice the complete independence of judges, and delegate the responsibilities of selection, appointment, dismissal and disciplining of judges from the executive authorities, including the President, to judicial self-government bodies.⁴⁴

40. Joint Submission 6 (JS6) stated that the Bar of Belarus did not represent an independent self-governing organization, neither de jure nor de facto, and that the Bar and the lawyers were controlled by the Ministry of Justice.⁴⁵

41. Joint Submission 2 (JS2) stated that the governing bodies of the bar were placed under the authority of the Ministry of Justice, which was entitled to submit applications for the post of president of the bar associations, to suggest their resignation or to dismiss a bar association president in the event that the Qualification Commission, which was also under the authority of the Ministry, established that he or she infringed legislation.⁴⁶

42. JS2 stated that every five years lawyers were subject to a qualification procedure before a Qualification Commission under the authority of the executive, or at any time on request of the Ministry of Justice. It stated that there was also a parallel disciplinary procedure led by the Ministry of Justice, which granted the Ministry the power to collect any information which might prove a breach of a lawyer's professional obligations.⁴⁷

43. JS2 stated that a significant control mechanism used against the bar and lawyers was the inspection power vested in the Ministry of Justice by the Law on the Bar and Presidential Decree No. 510 of 16 October 2009 "On improvements to inspection activities (monitoring) in the Republic of Belarus". Under this text, the Ministry could carry out inspections of the bars and lawyers' professional activities at any time.⁴⁸

44. JS2 stated that lawyers defending cases considered by the authorities to be 'troublesome' were generally exposed to retaliatory measures, which could culminate in their expulsion.⁴⁹

45. JS2 stated that the authorities often responded to mass demonstrations with retaliatory measures against lawyers representing leaders of protest movements or protesters before the courts. It recommended that the Government ensure that lawyers can exercise their professional duties free from any obstruction, intimidation or pressure.⁵⁰

46. JS6 recommended that the Government bring the legislation regulating the legal profession in line with international standards.⁵¹

47. JS2 recommended that the Government allow bar associations to operate without any interference from the authorities relating to the regulation of the profession, including access to the profession, application of disciplinary measures and the organization of training.⁵²

48. Equality Now (EN) stated that deeply entrenched patriarchal attitudes, barriers to reporting sexual violence and lack of gender-sensitive investigation and prosecution procedures left an overwhelming majority of sexual violence crimes go unpunished.⁵³

49. EN stated that article 89 of the Criminal Code allowed for release from criminal liability for the crimes of compulsion to sexual intercourse and statutory rape due to reconciliation with the victim.⁵⁴

50. EN recommended that the Government put in place gender-sensitive and survivor-centred investigation and prosecution procedures to ensure that perpetrators are brought to justice and survivors obtain access to justice.⁵⁵

Fundamental freedoms and the right to participate in public and political life⁵⁶

51. Forum 18 stated that restrictions on freedom of religion and belief included: strict controls on foreign citizens who conducted religious activity; restrictions on who could hold worship meetings and where; difficult or expensive permission to hold public events; difficulty of opening places of worship; prior compulsory censorship of much religious literature; lack of a full, equal provision for conscientious objectors to military service; and obstruction of the religious freedom of death-row prisoners.⁵⁷

52. ADF International stated that the decriminalization of unregistered religious activity represented a welcome step forward, however the simultaneous replacement of criminal liability with administrative liability equally impaired the freedom of persons to practice their faith without punishment.⁵⁸

53. ADF International stated that some non-traditional religious communities faced recurrent difficulties when attempting to obtain state registration. It stated that Protestant communities and Jehovah's Witnesses complained that their applications had been repeatedly turned down, most often reportedly due to an unsuitable legal address. As a consequence of such de facto bans, some of these groups had been forced underground or had been dissolved.⁵⁹

54. The European Centre for Law and Justice (ECLJ) stated that religious organisations that were not legally registered were prohibited from carrying out any religious activity and were outright prohibited from distributing religious material and proselytising.⁶⁰

55. The European Association of Jehovah's Witnesses (EAJW) stated that Jehovah's Witnesses continued to experience delays in importing religious literature related to the peaceful manifestation of their religious beliefs.⁶¹

56. ADF International stated that only registered religious organizations were allowed to seek permission to invite foreign clergy and missionaries to conduct religious work in Belarus. In recent years, the authorities had refused to renew permits of several long-term serving foreign Catholic priests, while denying residence and work permits for priests coming to replace them.⁶²

57. ADF International recommended that the Government remove the burdensome religious registration requirements, rescind intrusive governmental practices, including monitoring and raiding, eliminate the obligation for religious groups to seek prior authorization to gather, and remove limitations on the printing, import and distribution of religious materials.⁶³

58. HRW stated that activists, lawyers, rights groups, and independent media continued to face government harassment and pressure.⁶⁴

59. OSCE/ODIHR stated that human rights defenders had reported being subjected to smear campaigns against them in the pro-government media. They had also reported online and offline censorship, blocking of websites of human rights organizations to obstruct

public access to their reporting and had noted difficulties faced by journalists and media professionals in Belarus.⁶⁵

60. JS5 stated that civil society organisation activists faced persecution at their working or studying places. Employees of schools were fired because of their membership in civil society organisations and university students were threatened to be expelled if they did not stop their membership in civil society organisations.⁶⁶

61. HRW recommended that the Government immediately and unconditionally release human rights defenders, activists, journalists, and others convicted in retaliation for exercising their civil and political rights, ensure their full rehabilitation, and lift travel and other restrictions imposed on pardoned political prisoners.⁶⁷

62. The Committee to Protect Journalists (CPJ) stated that press freedom in Belarus had significantly deteriorated since 2015. Few independent journalists or media outlets were able to operate in the country. The State systematically targeted influential media outlets and individuals, often in very public ways, arresting journalists, raiding newsrooms, and initiating criminal probes for reporting. This had forced outlets and reporters into exile, working from neighbouring countries to report on events in Belarus.⁶⁸

63. CPJ stated that the Government routinely censored online news and information, and regularly blocked websites, including news and VPN/proxy websites.⁶⁹

64. HRW stated that authorities intensified prosecutions of independent freelance journalists for cooperation with unregistered foreign media.⁷⁰

65. JS3 stated that the 2018 amendments to the Law on Mass Media had enhanced the State's control of freedom of speech on the Internet. As a result, the number of prosecutions for statements on the Internet had increased.⁷¹

66. HRW recommended that the Government amend the Law on Mass Media to ensure it did not unduly restrict freedom of expression, including by removing the mandatory accreditation for freelance journalists cooperating with foreign media outlets, the extrajudicial procedure of blocking websites, the obligatory registration of distributors of printed and broadcasting media, the requirement that all media outlets keep records of and disclose to authorities the names of people who submit comments, and criminal liability of owners of registered online media for any content on their website.⁷²

67. HRW recommended that the Government fully decriminalize defamation.⁷³

68. JS3 stated that most of the problems in the field of freedom of assembly remained relevant, including restrictions on venues for meetings, authorities setting low-visited venues as fixed gathering places, organizers obliged to cover the expenses for maintenance of public order, medical care and cleaning, and ambiguous definitions of types of mass events. Spontaneous meetings remained unresolved. Simultaneous meetings, or counter-demonstrations, were prohibited.⁷⁴

69. HRW stated that amendments to the Law on Mass Events came into force in January 2019, introducing a notification procedure for organizing public assemblies. It stated that in practice authorities' sign-off was often denied summarily and arbitrarily, and that organizers and participants were fined for organizing mass events without official sanction.⁷⁵

70. HRW stated that the requirement of advance notice, the routine denial of authorization for peaceful assemblies, the failure of authorities to make suitable alternative times or places available, and the sanctions imposed on participants were not necessary and proportionate limitations and violated the right to freedom of assembly.⁷⁶

71. HRW stated that legislation governing public associations remained restrictive, preventing rights groups or political opposition movements from operating freely. Authorities had continued to deny them registration on arbitrary pretexts and to routinely use arbitrary detention, searches, and interrogations to harass government critics.⁷⁷

72. OSCE/ODIHR noted that registration applications of human rights non-governmental organisations had been rejected for a variety of apparently arbitrary reasons, such as a home, office or mobile phone number of one of the founders had not been

provided; a mistake in the date of birth of one of the founders; authorities had a different address on record for a founder; or the name of the organization purportedly did not correspond with the organisation's goals and objectives.⁷⁸

73. JS3 stated that despite the cancellation of article 193-1 of the Criminal Code, there was still a ban on the activities of various non-governmental organizations without state registration, including public associations and religious organizations. This prohibition was subject to administrative liability in the form of an extrajudicial fine.⁷⁹

74. HRW recommended that the Government amend the law "On public associations" and other legislation governing work of non-governmental organizations with a view to ensuring that it did not unduly restrict freedom of association; simplify the administrative process for registration of non-governmental organisations, and minimize reporting obligations to authorities; allow domestic non-governmental organisations to register and function without undue interference; and eliminate administrative fines for participation in unregistered organizations.⁸⁰

75. JS5 stated that legislation stipulated a difficult and burdensome procedure for receipt, registration and use of foreign aid by civil society organisations, including detailed plans for allocation of aid. Donations from Belarusian citizens residing abroad were considered to be foreign and were subject to restrictions. JS5 recommended that the State move from an authorization-based system for registration of foreign aid to a notification-based system, and abolish article 369-2 of the Criminal Code.⁸¹

76. The International Fellowship of Reconciliation (IFOR) stated that alternative civilian service was available only to those who objected on religious grounds. The duration of alternative service was set at twice that of military service, namely 36 months for those without higher education and 24 months for those with higher education. Pay for persons performing alternative service was set lower than that received by military conscripts.⁸²

77. JS3 stated that the electoral process in Belarus did not comply with a number of basic international standards for democratic and free elections, including a lack of equal access to media for all candidates and of impartial election commissions, coercion of voters to participate in early voting, the closure of a number of electoral procedures to observers, and opacity of the vote count.⁸³

78. OSCE/ODIHR stated that its Election Observation Mission for the 2016 parliamentary elections had recommended that authorities ensure the right of individuals and groups to establish, without undue restrictions, their own political parties or political organizations, and provide them with the necessary legal guarantees to compete with each other on an equal basis. It had also recommended that authorities ensure that candidates and voters are able to exercise their right to assemble and express or receive information without fear of retribution, administrative action or intimidation.⁸⁴

Prohibition of all forms of slavery⁸⁵

79. The CoE Group of Experts on Action against Trafficking in Human Beings (GRETA) urged the authorities to ensure that national anti-trafficking action was comprehensive, in particular by strengthening measures to combat trafficking for the purpose of labour exploitation and internal trafficking, as well as to address the particular vulnerability to trafficking of children and persons from groups affected by unfavourable social and economic conditions.⁸⁶

80. GRETA stressed the need for introducing a procedure for the identification of child victims of trafficking, which takes into account their special circumstances and needs, and involving child specialists.⁸⁷

81. GRETA considered that the authorities should enhance their efforts to provide assistance to victims of trafficking, ensuring that it is adapted to the specific needs of victims of trafficking and supporting their reintegration.⁸⁸

82. GRETA urged the authorities to set up a State compensation scheme accessible to victims of trafficking and recommended that additional measures be taken to facilitate access to compensation for victims of trafficking by systematically informing them of the

right to seek compensation and the procedures to be followed, and by ensuring their effective access to legal aid.⁸⁹

83. GRETA considered that the authorities should take further measures to ensure that human trafficking offences are prosecuted as such and lead to effective, proportionate and dissuasive sanctions.⁹⁰

84. GRETA considered that the authorities should strengthen prevention through social and economic empowerment measures for groups vulnerable to human trafficking.⁹¹

85. JS3 stated that forced labour was still used in Occupational Therapy Dispensaries, where people suffering from alcohol or drug addiction were held under conditions of forced isolation.⁹²

86. JS3 stated that forced labour remained a punitive measure for parents whose children had been removed from their families under Decree No. 18. Parents who were unable to independently reimburse the expenses of keeping their children under State support were subject to compulsory employment, and up to seventy percent of their wages were withheld by the State. It stated that avoiding such work was a criminal offense.⁹³

87. JS3 stated that the practice of involving state employees, university students and schools pupils, including minors, in seasonal agricultural work continued. Military personnel were often forced to take part in harvesting as well.⁹⁴

88. JS3 stated that the practice of engaging workers in unpaid work on weekends in the form of so-called “subbotniks” continued. Workers were often unable to refuse to participate due to the threat of sanctions.⁹⁵

*Right to privacy*⁹⁶

89. JS3 stated that Presidential Decree No. 60 “On measures to improve the use of the national segment of the Internet” provided for a number of restrictions on the right to privacy. It stated that identification of user devices in provision of online-services, as well as information about rendered online-services and its storage for a year were arbitrary interventions in the privacy and confidentiality of correspondence.⁹⁷

90. JS3 recommended that the State provide sufficient guarantees for the protection of personal data during its processing in commercial and public sectors, effective accountability measures for violation of law, and create an independent authorized body responsible for the implementation of these guarantees.⁹⁸

3. Economic, social and cultural rights

*Right to work and to just and favourable conditions of work*⁹⁹

91. JS3 stated that the Labour Code still established a series of prohibitions that applied exclusively to women, such as the prohibition of certain types of work, and the prohibition and restrictions of certain types of working schedule.¹⁰⁰

92. JS4 stated that women’s labour continued to prevail in traditionally low-paid areas, including social care, culture, education and healthcare.¹⁰¹

93. JS4 stated that women were underrepresented at decision-making positions in the Government.¹⁰²

94. JS4 stated that although the gender wage gap had decreased from thirty-three percent in 2015 to twenty-four percent in 2019, it still represented a significant divide in society and impeded access to equal pay for equal work for women.¹⁰³

*Right to social security*¹⁰⁴

95. JS3 stated that welfare payments were in decline, as well as social expenditure in public spending in general.¹⁰⁵

96. JS3 stated that as a consequence of the pension reform, the required period of pensionable service for receiving a pension in three years was increased from five to

sixteen years. As a result, many citizens, primarily women, had lost their pensions. The pension reform also increased the age for receiving social pensions.¹⁰⁶

97. JS4 recommended that the State amend the legislation taking into account the difference in the retirement age for men and women and their execution of socially important functions, such as inclusion of periods of maternity leave as well as a period of caring for a person with a disability or person over 80 years of age, into the qualifying period or reduce the required qualifying period for persons who executed these socially important functions.¹⁰⁷

*Right to an adequate standard of living*¹⁰⁸

98. JS3 stated that although real Gross Domestic Product per capita was growing, over five percent of the population lived below the national poverty line. The level of household poverty in rural areas was even higher.¹⁰⁹

99. JS3 stated that the Government was taking support measures for certain social groups, including persons with disabilities, women and children, but that a number of other vulnerable groups, such as Roma and the homeless, faced an extremely difficult situation.¹¹⁰

100. JS3 stated that there was no special policy to prevent and reduce the level of homelessness. State mechanisms to help the homeless came down mainly to the work of temporary stay centres and irregular charity actions. Homelessness was not seen as a violation of the human right to housing. JS3 stated that social policies did not address the problem of homelessness and no specialized assistance was provided.¹¹¹

101. JS4 stated that the pension legislation contributed to the feminisation of poverty of older women, depriving them of financial security and making them dependent in cases of aggression in where both spouses and children could act as perpetrators.¹¹²

*Right to education*¹¹³

102. Joint Submission 1 (JS1) stated that a number of higher education institutions in Belarus had a discriminatory approach to the enrolment system, as female students were subjected to stricter requirements for admission compared to men.¹¹⁴

103. JS3 stated that some universities had a separate entrance competition for women, and that admission to certain specialties was closed for women.¹¹⁵

104. JS1 stated that education in Belarusian was not provided in any higher education institution, despite the fact that both Belarusian and Russian were the official languages of the Republic of Belarus.¹¹⁶

105. JS1 stated that the education system often restricted fundamental freedoms, such as freedom of association, freedom to elect and be elected, and freedom of movement. The right to participate in the management of universities was restricted, and unjustified disciplinary sanctions were imposed. Students and schoolchildren were subjected to pressure from the administrations of educational institutions, including to join the Belarusian Republican Youth Union. It recommended that the Government allow students to freely choose whether to join a representative structure.¹¹⁷

106. JS1 stated that it was not uncommon for teachers to be prosecuted for their social views.¹¹⁸

107. JS1 stated that from June 2019, according to national law, compulsory military service could be deferred only once, and only to allow male students to complete the first level of vocational, specialized secondary or higher education. It stated that in practice, this meant that young men were obliged to serve in the army before being able to complete their university degree.¹¹⁹

4. Rights of specific persons or groups

*Women*¹²⁰

108. JS4 stated that Belarus did not have a specific law on the prevention of domestic violence, and that there were very few other protection mechanisms.¹²¹

109. JS3 stated that after having been transferred to Parliament, the existing comprehensive draft law on domestic violence was criticized by the President and had not yet been adopted.¹²²

110. AHR stated that the Criminal Code had no specific definition of domestic violence and did not specifically criminalize domestic violence. Several provisions that related to domestic violence triggered private prosecutions, where a victim must act as both police officer and prosecutor, investigating and conducting the prosecution herself.¹²³

111. AHR recommended that the Government amend the Criminal Code to criminalize domestic violence and, without further delay, re-initiate the adoption process of a domestic violence law.¹²⁴

112. EN stated that the lack of explicit criminalisation of marital rape led to many acts of marital rape going unpunished.¹²⁵

113. AHR stated that victims were reluctant to report instances of abuse, primarily for fear of losing their children. If children were present in the home and a report of abuse was made for violence involving only adults, police still had to report to the Department of Education. The children were then considered to be in a “socially dangerous situation” and removed from the family.¹²⁶

114. AHR stated that under the Law on Marriage and Family a victim of abuse who was pregnant or shared a child under three years of age with her husband must remain married unless he gave her permission to divorce.¹²⁷

115. AHR stated that in order to secure a protective order, a victim must experience two acts of violence. It stated that the duration of 3 to 30 days of a protective order fell short of international standards and that the law allowed for a delay of three days in the issuance of the protective order. No extensions of the protective order were available. A victim must experience two additional acts of violence within a year to request a new protective order.¹²⁸

116. JS4 stated that there were only five shelters in Belarus, all administered by organisations of the third sector and the church. Not all shelters accepted women without children. It recommended that the State establish shelters for victims of domestic violence in every region with the adequate free provision of psychological, legal and social support.¹²⁹

117. JS4 recommended that the Government take measures in raising public awareness in consultation with non-governmental organizations about the existence of sexism and gender stereotypes in society.¹³⁰

*Children*¹³¹

118. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that corporal punishment of children was still lawful despite repeated recommendations to prohibit it by the Committee on the Rights of the Child and the Committee against Torture. Prohibition was still to be achieved in the home, alternative care settings, day care, schools and penal institutions.¹³²

*Persons with disabilities*¹³³

119. JS1 stated that the right of young people with disabilities to access education was often violated. Universities in Belarus were not physically accessible, and young people with disabilities were not provided with equal opportunities to play sports throughout their education.¹³⁴

120. JS1 recommended that the Government provide equal access to quality education for young people with disabilities.¹³⁵

121. JS3 stated that a significant number of persons with disabilities had to choose homeschooling.¹³⁶

*Migrants, refugees, and asylum seekers*¹³⁷

122. JS3 stated that Belarus practiced forced expulsion, deportation and extradition to countries using torture and the death penalty. There had been cases of open and hidden extradition and expulsion without procedure.¹³⁸

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

ADF International	Alliance Defending Freedom, Geneva (Switzerland);
AHR	The Advocates for Human Rights, Minneapolis (United States of America);
CPJ	Committee to Protect Journalists, New York (United States of America);
EAJW	The European Association of Jehovah's Witnesses, Kraainem (Belgium);
ECLJ	The European Centre for Law and Justice, Strasbourg (France);
Ecohome	Ecohome, Minsk (Belarus);
EN	Equality Now, London (United Kingdom);
Forum 18	Forum 18, Oslo (Norway);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom);
HRW	Human Rights Watch, Geneva (Switzerland);
ICAN	The International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland);
IFOR	International Fellowship of Reconciliation, Geneva (Switzerland).

Joint submissions:

JS1	Joint submission 1 submitted by: Belarusian National Youth Council, Minsk (Belarus); European Youth Forum, Brussels (Belgium);
JS2	Joint submission 2 submitted by: Barreau de Paris, Paris (France); International Observatory for Lawyers, Paris (France);
JS3	Joint submission 3 submitted by: Belarusian Helsinki Committee, Minsk (Belarus), Human Rights Center "Viasna"; Legal Transformation Center "Lawtrend", Minsk (Belarus); Belarusian Association of Journalists, Minsk (Belarus); Assembly of Pro-Democratic Non-governmental Organizations of Belarus, Vilnius (Lithuania); Legal Initiative, Minsk (Belarus); The Barys Zvozhskau Belarusian Human Rights House, Vilnius (Lithuania); FORB Initiative; Office for the Rights of Persons with Disabilities; The Belarusian Documentation Center, Vilnius (Lithuania); Human Constanta, Minsk (Belarus); The Initiative Group "Identity and Law";
JS4	Joint submission 4 submitted by: Centre for Promotion of Women's Rights "Her Rights", Minsk (Belarus); Public Association "Radislava", Minsk (Belarus);
JS5	Joint submission 5 submitted by: Assembly of Pro-Democratic Non-governmental Organizations of Belarus, Vilnius (Lithuania); Legal Transformation Center "Lawtrend", Minsk (Belarus);

JS6

Joint submission 6 submitted by: Helsinki Foundation for Human Rights; World Organisation Against Torture; joined by International Federation for Human Rights and International Partnership for Human Rights.

Regional intergovernmental organization(s):

CoE

The Council of Europe, Strasbourg (France);

Attachments:

GRECO – Group of States against Corruption, Public declaration of non-compliance in respect of Belarus, GrecoRC1-2(2019)1, 19 March 2019;

GRETA - Group of Experts on Action against Trafficking in Human Beings, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belarus, GRETA(2017)16, 3 July 2017. Organization for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights, Warsaw (Poland).

OSCE/ODIHR

- ² For relevant recommendations see A/HRC/30/3, paras. 127.1–127.10, 127.27–127.35, 127.108, 127.113, 129.1–129.8, 129.21–129.23, and 130.1–130.38.
- ³ JS3, p. 7.
- ⁴ Ibid., p. 6.
- ⁵ Ibid., p. 8.
- ⁶ Ibid., p. 8.
- ⁷ HRW, para. 41.
- ⁸ AHR, para. 24; JS4, p. 3.
- ⁹ JS3, p. 10. See also JS5, p. 11.
- ¹⁰ ICAN, p. 1.
- ¹¹ JS3, para. 8.
- ¹² HRW, para. 41. See also JS1, p. 1; JS2, p. 5; and JS3, paras. 6 and 9.
- ¹³ For relevant recommendations see A/HRC/30/3, paras. 127.11–127.26, 127.37–127.39, 129.20, and 129.10–129.19.
- ¹⁴ JS3, p.5.
- ¹⁵ JS5, p. 9.
- ¹⁶ For relevant recommendations see A/HRC/30/3, paras. 127.36, 127.50, 128.1, and 129.24–129.28.
- ¹⁷ JS3, para. 65 and p. 15.
- ¹⁸ Ibid., para. 66 and p. 15.
- ¹⁹ Ibid., para. 68.
- ²⁰ Ibid., para. 70.
- ²¹ Ibid., paras. 68–69.
- ²² Ibid., p. 16.
- ²³ GRECO, p. 4.
- ²⁴ Ecohome, para. 4.1.
- ²⁵ For relevant recommendations see A/HRC/30/3, paras. 127.51–127.52, 129.29–129.50, 129.85, 129.89, and 130.39–130.48.
- ²⁶ Forum 18, paras. 39 and 41.
- ²⁷ OSCE/ODIHR, para. 24–25.
- ²⁸ JS3, p. 6.
- ²⁹ HRW, para. 7.
- ³⁰ JS3, para. 14.
- ³¹ Ibid., para. 18.
- ³² HRW, para. 40.
- ³³ JS3, p. 8.
- ³⁴ Ibid., p. 8.
- ³⁵ Ibid., p. 8.
- ³⁶ Ibid., p. 8.
- ³⁷ Ibid., p. 7.
- ³⁸ HRW, para. 40.
- ³⁹ JS3, para. 22.
- ⁴⁰ HRW, para. 40.
- ⁴¹ For relevant recommendations see A/HRC/30/3, paras. 127.74–127.75, 128.2, 129.51–129.54.
- ⁴² JS3, paras. 27–28.
- ⁴³ Ibid., para. 30.

- 44 Ibid., p. 9.
- 45 JS6, para. 7.1.
- 46 JS2, para. 13.
- 47 JS2, paras. 28 and 30. See also JS6, paras. 3.1-3.5.
- 48 JS2, para. 19.
- 49 Ibid., para. 2. See also JS3, para. 32.
- 50 JS2, para. 35 and p. 10. See also JS6, p. 6.
- 51 JS6, p. 6.
- 52 JS2, p. 5. See also JS3, p. 9.
- 53 EN, para. 7.
- 54 Ibid., para. 5.
- 55 Ibid., p. 3.
- 56 For relevant recommendations see /HRC/30/3, paras. 127.79–127.82, 129.55–129.84, 129.86–129.88, and 129.90–129.95.
- 57 Forum 18, para. 2.
- 58 ADF International, para. 9. See also Forum 18, paras. 20-21.
- 59 ADF International, para. 7. See also Forum 18, paras. 15-17 and 28-30; and JS3, para. 48.
- 60 ECLJ, paras. 6 and 8. See also EAJW, para. 39; and Forum 18, paras. 31-34.
- 61 EAJW, para. 40.
- 62 ADF International, paras. 13-14. See also Forum 18, paras. 8-14; and JS3, para. 51.
- 63 ADF International, para. 18 (b)-(c). See also JS3, p. 12.
- 64 HRW, para. 1.
- 65 OSCE/ODIHR, para. 14.
- 66 JS5, p. 12.
- 67 HRW, para. 40. See also JS3, p. 11.
- 68 CPJ, pp. 2-3. See also HRW, para. 16.
- 69 CPJ, p. 2. See also HRW, para. 16; and JS3, para. 39.
- 70 HRW, para. 17. See also JS3, para. 40.
- 71 JS3, para. 38.
- 72 HRW, para. 31.
- 73 HRW, para. 31. See also JS3, p. 11.
- 74 JS3, para. 55. See also JS5, pp. 8-9.
- 75 HRW, para. 8.
- 76 Ibid., para. 8.
- 77 HRW, para. 32. See also JS5, pp. 3-4.
- 78 OSCE/ODIHR, para. 16. See also JS3, para. 59.
- 79 JS3, para. 61. See also JS5, p. 3.
- 80 HRW, para. 15. See also JS3, p. 14; and JS5, p. 5.
- 81 JS5, p. 8.
- 82 IFOR, para. 13.
- 83 JS3, para. 79.
- 84 OSCE/ODIHR, paras. 7-8.
- 85 For relevant recommendations see A/HRC/30/3, paras. 127.63–127.64, 127.66, 127.68–127.73 and 127.86.
- 86 GRETA, p. 7.
- 87 Ibid., p. 8.
- 88 Ibid., p. 8.
- 89 Ibid., p. 8.
- 90 Ibid., p. 8.
- 91 Ibid., p. 7.
- 92 JS3, para. 91.
- 93 Ibid., para. 91.
- 94 Ibid., para. 92.
- 95 Ibid., para. 93.
- 96 For relevant recommendations see A/HRC/30/3, paras. 127.76–127.78.
- 97 JS3, para. 36.
- 98 Ibid., p. 10.
- 99 For relevant recommendations see A/HRC/30/3, paras. 127.84–127.85 and 129.96.
- 100 JS3, para. 72. See also JS4, para. 24.
- 101 JS4, para. 21.
- 102 Ibid., para. 21.
- 103 Ibid., para. 19.

- ¹⁰⁴ For relevant recommendations see /HRC/30/3, paras. 127.88–127.89 and 127.93.
¹⁰⁵ JS3, para. 83.
¹⁰⁶ Ibid., para. 86.
¹⁰⁷ JS4, p. 7.
¹⁰⁸ For relevant recommendations see A/HRC/30/3, paras. 127.87, 127.90–127.92 and 127.94.
¹⁰⁹ JS3, para. 83.
¹¹⁰ Ibid., para. 82.
¹¹¹ Ibid., para. 82.
¹¹² JS4, para. 32.
¹¹³ For relevant recommendations see A/HRC/30/3, paras. 127.100–127.105.
¹¹⁴ JS1, para. 4.
¹¹⁵ JS3, para. 71.
¹¹⁶ JS1, para. 6.
¹¹⁷ JS1, para. 7 and p. 4. See also JS5, p. 3.
¹¹⁸ JS1, para. 7.
¹¹⁹ Ibid., para. 8.
¹²⁰ For relevant recommendations see A/HRC/30/3, paras. 127.40–127.49, 127.53–127.61, and 127.83.
¹²¹ JS4, para. 1.
¹²² JS3, para. 67.
¹²³ AHR, para. 10.
¹²⁴ Ibid., para. 24.
¹²⁵ EN, para. 4.
¹²⁶ AHR, para. 15. See also JS4, para. 7.
¹²⁷ AHR, para. 17.
¹²⁸ Ibid., paras. 18–21.
¹²⁹ JS4, para. 11 and p. 3.
¹³⁰ Ibid., paras. 12–13 and p. 4.
¹³¹ For relevant recommendations see A/HRC/30/3, paras. 127.62, 127.65, 127.67, and 129.9.
¹³² GIEACPC, pp. 1–2.
¹³³ For relevant recommendations see A/HRC/30/3, paras. 127.106–127.107 and 127.109–127.111.
¹³⁴ JS1, para. 5.
¹³⁵ Ibid., p. 4.
¹³⁶ JS3, para. 78.
¹³⁷ For relevant recommendations see A/HRC/30/3, para. 127.112.
¹³⁸ JS3, para. 20.
-