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Compilation 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 compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. The Committee on the Elimination of Racial Discrimination, the Committee against Torture and the Committee on the Elimination of Discrimination against Women encouraged the State to ratify the core United Nations human rights treaties to which it was not yet a party.³

3. The Committee against Torture recommended that the State consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.⁴

4. The Committee on the Rights of the Child recommended that the State ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.⁵

5. The Committee on the Elimination of Racial Discrimination encouraged the State to make the optional declaration provided for in article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination recognizing the competence of the Committee to receive and consider individual communications.⁶

6. The same Committee recommended that the State ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).⁷

7. The Committee on the Elimination of Discrimination against Women recommended that the State take steps to accede to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.⁸



8. The Committee on the Rights of the Child recommended that the Government accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.⁹

9. The United Nations country team for Belarus recommended that the Government issue a standing invitation to the special procedures and facilitate a visit to Belarus of the Special Rapporteur on the rights to freedom of peaceful assembly and of association.¹⁰

10. The Special Rapporteur on the situation of human rights in Belarus recommended that the State extend to that Special Rapporteur an invitation to visit the country, in the spirit of constructive engagement and cooperation.¹¹

11. The Human Rights Committee regretted the State's position that Views adopted under the Optional Protocol to the International Covenant on Civil and Political Rights were merely advisory in nature and the ensuing failure to implement any of the Views adopted in which the Committee had found violations of the Covenant.¹²

III. National human rights framework¹³

12. The Human Rights Committee recommended that the State establish, without undue delay, an independent national human rights institution with a mandate to protect the full range of human rights which was fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and which functioned independently, transparently and effectively to promote and protect human rights.¹⁴

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

A. Cross-cutting issues

Equality and non-discrimination¹⁵

13. The United Nations country team stated that Belarus still had not taken effective measures to develop comprehensive anti-discrimination legislation. The national legal and judiciary systems were not well equipped to accept and consider cases on discrimination, and it appeared that no such cases had successfully been dealt with by the courts.¹⁶

14. The Committee on the Elimination of Racial Discrimination urged the State to enact specific legislation containing a definition of racial discrimination in line with article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination and making racial discrimination an offence punishable by law.¹⁷

15. The same Committee reiterated its recommendation that the State adopt comprehensive legislation specifically criminalizing racist hate speech and ensure that racist or ethnic hatred was consistently taken into account as an aggravating circumstance when it served as the motivation for an offence.¹⁸

16. The Committee also recommended that the State take measures to ensure that acts of racial discrimination were investigated, prosecuted and sanctioned, and that victims were provided with appropriate remedies.¹⁹

17. The Committee was concerned by reports that Roma faced racial discrimination and profiling by the State's law enforcement and criminal justice authorities and restrictions on their freedom of movement within the State's territory through measures including compulsory fingerprinting and arbitrary detention.²⁰

18. The Human Rights Committee recommended that the State effectively eradicate all forms of discrimination and violence on the basis of sexual orientation and gender identity, inter alia by: (a) explicitly listing sexual orientation and gender identity among the prohibited

grounds for discrimination in comprehensive anti-discrimination legislation; (b) providing appropriate training on combating discriminatory attitudes towards lesbian, gay, bisexual and transgender persons to law enforcement and other officials; and (c) sanctioning such conduct properly, including by promptly and effectively investigating any reports of violence or hatred motivated by sexual orientation and gender identity and by bringing perpetrators to justice.²¹

B. Civil and political rights

1. Right to life, liberty and security of person²²

19. The Human Rights Committee regretted the lack of progress made by the State towards the abolition of the death penalty.²³

20. The Special Rapporteur on Belarus noted that relatives of persons who had been executed were kept ignorant of the time and circumstances of the death of their close ones, that bodies were not returned and that no details of places of burial were given.²⁴

21. The Human Rights Committee recommended that the State consider establishing a moratorium on executions as an initial step towards legal abolition of the death penalty and ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, commute all pending death sentences to imprisonment and increase efforts to change public perception about the necessity of maintaining the death penalty. It also recommended that, pending the abolition of the death penalty, the State ensure that, if imposed at all, the death penalty was never imposed in violation of the International Covenant on Civil and Political Rights, including in violation of fair trial guarantees, and provide for an effective right of appeal against death sentences.²⁵

22. The Committee against Torture continued to be deeply concerned by reports that the practice of torture and ill-treatment was widespread and that the authorities were failing to conduct prompt, impartial and full investigations into such allegations and to prosecute the alleged perpetrators.²⁶

23. The same Committee remained seriously concerned about allegations that law enforcement officers frequently resorted to the use of torture and ill-treatment to extract confessions from suspects held in pretrial and temporary detention facilities, and that in many cases in which defendants in criminal cases had alleged torture before the courts, the presiding judges had not ordered investigations or declared their confessions to be inadmissible.²⁷

24. The Committee was also concerned at allegations of widespread use of solitary confinement, which was not subject to appeal.²⁸

25. The Special Rapporteur on Belarus stated that the powers of the public monitoring commissions under the Ministry of Justice were seriously limited. The commissions could not visit places of detention unannounced and could not hold individual confidential discussions with detainees. The authorities rarely made information about conditions of detention public, notably information on issues related to deaths and epidemics in places of detention.²⁹

26. The United Nations country team stated that over the preceding five years the civic monitoring commissions had not registered a single complaint.³⁰

27. The Committee against Torture urged the State to include torture as a separate and specific crime in its legislation and adopt a definition of torture that covered all the elements contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to ensure that penalties for the crime of torture were commensurate with the gravity of the crime.³¹

28. The Human Rights Committee recommended that the State ensure that all allegations of torture and ill-treatment were promptly and thoroughly investigated by an effective and fully independent and impartial body; that perpetrators were prosecuted; that those convicted

were punished with sanctions commensurate with the gravity of the crime; and that victims and, where appropriate, their families were provided with full reparation, including rehabilitation and adequate compensation.³²

29. The same Committee recommended that the State provide law enforcement officials with adequate training on torture prevention and humane treatment, ensure independent and reliable medical examinations and recording of injuries, and ensure that confessions obtained in violation of article 7 of the International Covenant on Civil and Political Rights were not accepted by courts under any circumstances.³³

30. The Committee also recommended that the State ensure that persons arrested or detained on a criminal charge were brought promptly before a judge or other officer authorized by law to exercise judicial power, ordinarily within 48 hours, in order to bring their detention under judicial control.³⁴

31. The Committee against Torture recommended that the State continue its efforts to ensure the right of detainees to have prompt and confidential access to an independent lawyer, or to free legal aid, when needed, and contact with a family member or any other person of their choice, and ensure the right to request and receive a prompt and confidential medical examination by an independent doctor, out of hearing and out of sight of the police from the outset of the detention.³⁵

32. The same Committee remained deeply concerned at the continuing reports of the deplorable conditions of places of deprivation of liberty and urged the State to ensure that prison conditions were in line with the relevant international human rights standards.³⁶

33. The Special Rapporteur on Belarus was informed of several cases of minors caught in possession of small amounts of drugs who had been sentenced to lengthy prison terms of 8 to 11 years. Conditions of detention for such juveniles had been reported as poor, with insufficient food, clothing and medication. Forced labour, lack of access to education and restrictions on contact with relatives had also been reported.³⁷

34. The Human Rights Committee recommended that the State end the practices of the preventive detention of human rights defenders and journalists and the arbitrary forced psychiatric hospitalization of human rights defenders.³⁸

2. Administration of justice, including impunity, and the rule of law³⁹

35. The Human Rights Committee recommended that the State safeguard, in law and in practice, the full independence of the judiciary, including by: (a) reviewing the role of the President in the selection, appointment, reappointment, promotion and dismissal of judges; (b) considering establishing an independent body to govern the judicial selection process; and (c) guaranteeing judges' security of tenure.⁴⁰

36. The same Committee recommended that the State ensure that defendants were afforded all fair trial guarantees, including the presumption of innocence.⁴¹

37. The Special Rapporteur on Belarus was concerned by the fact that bar associations in Belarus were de facto controlled by the Ministry of Justice.⁴²

38. The Human Rights Committee was concerned at continuous reports of pressure on and harassment of lawyers, particularly those taking on politically sensitive cases. It recommended that the State revise its regulations and practices regarding the licensing and monitoring of lawyers' work with a view to ensuring the full independence of bar associations and lawyers and their effective protection against any form of undue interference or retaliation in connection with their professional activity.⁴³

39. The same Committee recommended that the State promptly and effectively investigate all cases of excessive use of force by law enforcement officials, arbitrary arrest and detention of peaceful protesters, and bring the perpetrators to justice.⁴⁴

40. The Committee on the Rights of the Child reiterated that the State should establish a comprehensive system of child justice with specialized courts, procedures and trained judges, lawyers and law enforcement professionals.⁴⁵

3. Fundamental freedoms and the right to participate in public and political life⁴⁶

41. The Special Rapporteur on Belarus stated that the law on religion required religious communities to register before they could meet for worship, and that certain religious communities faced recurrent difficulties when attempting to register. Several religious communities, notably Protestant communities and Jehovah's Witnesses, complained that their applications had been rejected based on minor grounds such as an inadmissible legal address.⁴⁷

42. The Human Rights Committee was concerned about the power of the executive branch to shut down media outlets and the extensive practice of using warnings to media outlets. It was also concerned about the broadly formulated provision of article 38 of the law on mass media defining which information it was forbidden to distribute among the mass media, especially information from non-registered organizations and information "harming the national interest".⁴⁸

43. The Special Rapporteur on Belarus noted that the amendments to the law on mass media entered into force on 1 December 2018. She also noted that the amendments enshrined the possibility of identifying any individual commenting on any type of publication online and required that information about such individuals be made available to the Ministry of Information within five working days. Only duly registered media, journalists and bloggers would be allowed to operate online and the owners of registered online media could be held criminally liable for content posted by others on their website. Lack of registration exposed individuals to administrative fines. The Special Rapporteur also noted that amendments also included the possibility for the authorities to block websites without a court decision.⁴⁹

44. The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged the Government to review media legislation, including the law on mass media, to ensure that it was in line with the provisions of necessity and proportionality set out under the International Covenant on Civil and Political Rights.⁵⁰

45. UNESCO encouraged the Government to introduce freedom of information legislation.⁵¹

46. The Special Rapporteur on Belarus recommended that the State guarantee a favourable environment for the work of journalists and bloggers, in particular by decriminalizing libel and reviewing the media law and the law on anti-extremism.⁵²

47. The Human Rights Committee was concerned about the reported harassment and persecution of journalists working for foreign, unaccredited news outlets, and the arbitrary travel bans reportedly imposed on human rights defenders, lawyers and journalists in connection with their activities.⁵³

48. UNESCO encouraged the Government to bring the rules regulating accreditation of journalists into line with international standards.⁵⁴

49. UNESCO encouraged the Government to assess the system of licensing for the broadcasting sector in order to ensure that the process was transparent and independent.⁵⁵

50. The Special Rapporteur on the situation of human rights defenders continued to be informed of concerns about the severe restrictions in place on the rights to freedom of association, freedom of assembly and freedom of expression in the country. Those included the use of legal and administrative provisions or the judicial system to criminalize defenders and significantly curtail civil society activism.⁵⁶

51. The Committee on the Elimination of Discrimination against Women was concerned about reports that women human rights defenders and politically active women were frequently subjected to repression, harassment, violence, threats of sexual assault, forced institutionalization or threats of institutionalization and deprivation or threats of deprivation of their parental rights.⁵⁷

52. The Special Rapporteur on Belarus welcomed the introduction of amendments to the law on mass events, establishing a notification procedure for certain assemblies. She noted however that the notification procedure for assemblies was valid only for those taking place in areas designated by authorities, and authorization was often denied in practice.⁵⁸

53. The same Special Rapporteur stated that any unauthorized meeting or gathering usually led to arrests, potential detention ranging from a few hours to several days and very often to an administrative sentence to pay a fine.⁵⁹

54. The Special Rapporteur also stated that available information indicated that university authorities regularly attempted to prevent students from participating in rallies by warning them of the consequences or threatening them with expulsion.⁶⁰

55. The Special Rapporteur on Belarus recommended that the State review the legislation on mass events to remove requirements for authorization, systematic notification and the payment of fees for the organization of assemblies.⁶¹

56. The Human Rights Committee was concerned about the restrictive and disproportionate rules on the registration of public associations and political parties, requiring, inter alia, relatively high numbers of founders, geographical diversity, high fees for registering non-profit associations and limits on the use of residential premises as an official address, resulting in the inability of many associations, including most human rights non-governmental organizations, to meet the registration requirements.⁶²

57. The Special Rapporteur on Belarus welcomed the repeal of article 193 (1) of the Criminal Code criminalizing the activities of non-registered organizations. She noted however that non-registered organizations were still subject to administrative liability.⁶³

58. The same Special Rapporteur stated that political parties and organizations were not allowed to receive any funding from foreign States, organizations or citizens.⁶⁴

59. The Human Rights Committee remained concerned about reports of the persecution, intimidation, harassment and detention of opposition political candidates; the expansive interpretation of criminal sanctions for such acts as demonstrations and protests related to the electoral process; and the lack of transparency in vote counting.⁶⁵

60. The Special Rapporteur on Belarus stated that provisions guaranteeing equal access to media, transparency in voter registration, voter turnout and vote counting, and sufficient safeguards for voting secrecy, were still missing.⁶⁶

61. The same Special Rapporteur recommended that the State reconsider restrictions on the right to vote for citizens serving prison sentences and citizens in pretrial detention, to make them objective and reasonable.⁶⁷

4. Prohibition of all forms of slavery⁶⁸

62. The Committee against Torture noted with regret that the State remained a source and transit country for many women subjected to sex trafficking and forced labour.⁶⁹

63. The Committee on the Elimination of Racial Discrimination was seriously concerned by reports that between 2013 and 2016, there had been no convictions for trafficking in persons under article 181 of the Criminal Code.⁷⁰

64. The United Nations country team stated that cases of labour or economic exploitation, regardless of whether they had occurred internally or abroad, were not recognized as trafficking in persons per se, but rather as illegal or fraudulent employment. Persons who had fallen victim to such exploitation were consequently not eligible to receive State assistance or support for reintegration.⁷¹

65. The Committee on the Elimination of Discrimination against Women recommended that the State address the root causes of trafficking and exploitation of women by improving the economic situation of women and girls, strictly enforce the anti-trafficking legislation by ensuring the investigation, prosecution and punishment of perpetrators of trafficking and exploitation of women, and strengthen mechanisms for the combating of trafficking and improve the coordination of all efforts in that regard.⁷²

66. The Special Rapporteur on Belarus stated that Presidential decree No. 1 of 2018 on the promotion of employment of the population provided for the possibility of sending able-bodied individuals who had an “asocial lifestyle” to labour treatment centres. Placement in labour treatment centres was associated with deprivation of liberty and the conditions had been reported as equating to those of detention centres.⁷³

67. The ILO Committee of Experts on the Application of Conventions and Recommendations urged the Government to amend or repeal articles 193 (1), 339, 342, 367, 368 and 369 (2) of the Criminal Code in order to ensure that no penalties involving compulsory labour could be imposed for the peaceful expression of political views or views ideologically opposed to the established system.⁷⁴

68. The Special Rapporteur on Belarus stated that the obligation to participate in harvesting on State-owned farms or in street-cleaning sessions was regularly imposed on factory workers, civil servants and schoolchildren, and was disguised as strong encouragement by the authorities.⁷⁵

5. Right to privacy and family life⁷⁶

69. The Human Rights Committee was concerned at reports that legislation provided for broad powers of surveillance and that the interception of all electronic communications, including through the system of operative investigative measures, which allowed remote access to all user communications without notifying providers, did not afford sufficient safeguards against arbitrary interference with the privacy of individuals.⁷⁷

70. The Special Rapporteur on Belarus noted that Presidential decree No. 18 of 2006 defined measures to be taken to protect children in dysfunctional families and regulated the procedure for removing children from families. Parents were obliged to pay for the maintenance of a child during the period when the child was in State care. If parents did not pay the costs, children could be permanently taken away from them, and if parents were unemployed, they were obliged to take up any job offered by the Ministry of Labour and Social Protection. Failure to attend the job that was offered exposed parents to being sent to labour treatment centres.⁷⁸

71. The Committee on the Rights of the Child urged the State to ensure that poverty and disability were never the justification for removing a child from parental care. It urged the State to address social vulnerabilities leading to separation and intensify the provision and coordination of social services, which should be child- and family-centred, and develop community-based family support services, with a view to strengthening families as safe environments for children, facilitating returns and reducing reliance on alternative care.⁷⁹

72. The Committee on the Elimination of Discrimination against Women recommended that the State take all safeguards necessary to ensure that women with disabilities could under no circumstances be subjected to any form of pressure or threat to renounce custody of their children.⁸⁰

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work⁸¹

73. The ILO Committee of Experts noted that the Belarusian Congress of Democratic Trade Unions had indicated that the real unemployment rate in 2016 stood at 5.8 per cent of the economically active population, and that only one in every six unemployed persons were registered with the employment service authorities.⁸²

74. The ILO Committee of Experts also noted that the Belarusian Congress of Democratic Trade Unions had expressed concern at the increase in precarious employment in recent years, and had stated that part-time employment was steadily increasing and that some workers were also forced to take leave without pay.⁸³

75. The Special Rapporteur on Belarus stated that unemployed individuals had to pay higher prices for utilities and were forced to accept any employment offered to them or risked being sent to labour treatment centres.⁸⁴

76. The ILO Committee of Experts requested the Government to continue reviewing, in consultation with workers' and employers' organizations, Protection Decision No. 35 of 12 June 2014, so as to ensure that restrictions applying to women were strictly limited to those aimed at protecting maternity in the strict sense and those providing special conditions for

pregnant women and breastfeeding mothers, and that they did not hinder the access of women to employment and their remuneration on the basis of gender stereotypes.⁸⁵

77. The ILO Committee of Experts asked the Government to address the underlying causes of the gender wage gap, including any prevailing stereotypes regarding women's preferences and suitability for certain jobs.⁸⁶

78. The Human Rights Committee was concerned about obstacles to registering trade unions; the application of the law on mass events to trade unions; limitations on the right to strike; anti-union interference, including the discriminatory use of fixed-term contracts in cases involving trade union activists; and specific problems in the application of collective bargaining.⁸⁷

79. The Special Rapporteur on Belarus stated that members of independent trade unions continued to be regularly put under pressure.⁸⁸

2. Right to social security⁸⁹

80. The ILO Committee of Experts noted that the Belarusian Congress of Democratic Trade Unions had stated that unemployment benefits averaged 21 Belarusian roubles in January 2017, an amount that was equivalent to 16 per cent of the minimum wage.⁹⁰

81. The Committee on the Elimination of Discrimination against Women noted with concern that the retirement age of women was five years earlier than that of men, which reduced the pension of women and contributed to their risk of old-age poverty.⁹¹

3. Right to an adequate standard of living⁹²

82. The United Nations country team stated that limited employment opportunities and the low average wage level drove poverty risks in rural areas. In 2017, the relative poverty rate in rural areas was 10 times higher than the relative poverty rate in Minsk: 11 per cent as compared to 1 per cent.⁹³

83. The Committee on the Rights of the Child recommended that the State develop a national poverty reduction strategy and budget with a particular focus on children and families in situations of vulnerability.⁹⁴

84. The United Nations country team stated that in 2018, 26 per cent of the rural population lived in households that lacked either central heating, running water or sewage, or all of those services.⁹⁵

85. The United Nations country team recommended that the Government provide stable targeted support to vulnerable groups of people, such as families with three or more children, especially in rural areas, in order for them to enjoy an adequate standard of living.⁹⁶

86. The Special Rapporteur on Belarus stated that Presidential Decree No. 1 on the promotion of employment of the population contained controversial aspects, such as the creation of a database of able-bodied unemployed citizens. People included in that list had to pay for State-subsidized services, such as gas, heating and hot water, at their full cost and would have to accept any work offered to them even if it did not correspond to their qualifications or wishes.⁹⁷

4. Right to health⁹⁸

87. The Committee against Torture urged the State to improve access to and the quality of health care, including psychiatric care, for prisoners in all places of deprivation of liberty, including those serving life sentences, provide for adequate medical equipment, and increase the number of professional medical staff in all detention facilities and ensure their independence and impartiality.⁹⁹

88. The United Nations country team stated that, regarding HIV, there were practices, policies and laws that drove people away from health care, including a lack of protections to guarantee informed consent and confidentiality; mandatory testing; policies requiring health-care providers to report certain groups to law enforcement; criminalization of HIV

transmission; and legal barriers preventing sex workers and people who use drugs from receiving HIV prevention services.¹⁰⁰

89. The Committee on the Elimination of Discrimination against Women called upon the State to provide education and awareness-raising programmes regarding the importance of the use of contraceptives and to increase access to safe and affordable modern contraceptives throughout its territory.¹⁰¹

90. The Committee on the Rights of the Child noted that children between the ages of 15 and 17 experienced high mental distress and that the incidence of mental health issues and suicide in that age group had increased between 2015 and 2017, with suicide being the main cause of adolescent mortality.¹⁰²

5. Right to education¹⁰³

91. The Committee on the Elimination of Racial Discrimination was concerned that despite the commendably high literacy rate in the State, a large percentage of Roma children did not attend school.¹⁰⁴

92. The Human Rights Committee recommended that the State strengthen efforts to ensure school attendance and the attainment of adequate educational standards for Roma children on an equal footing with other children.¹⁰⁵

93. The Committee on the Elimination of Discrimination against Women noted with concern that several State institutions of higher learning, including the Academy of the Ministry of Internal Affairs, had a gendered admission policy, which, among other things, restricted the number of admitted female students and/or required higher passing scores for women.¹⁰⁶

94. The Committee on the Rights of the Child recommended that the State ensure that all children with disabilities progressively have access to inclusive education, and ensure inclusive education in integrated classes.¹⁰⁷

95. UNESCO stated that the State should be encouraged to continue its efforts to strengthen the right of persons with disabilities to education, particularly by adapting the admission process for higher education.¹⁰⁸

96. The Special Rapporteur on Belarus stated that 48 per cent of the population considered Belarusian their native language, but that access to education in Belarusian remained limited, especially for higher education.¹⁰⁹

D. Rights of specific persons or groups

1. Women¹¹⁰

97. The United Nations country team stated that national legislation lacked a specific prohibition of discrimination against women in all areas of life, and that the Government was reluctant to develop and adopt a separate law on gender equality.¹¹¹

98. The Committee on the Elimination of Discrimination against Women was concerned about the prevalence of discriminatory stereotypes and patriarchal attitudes regarding the roles and responsibilities of women and men in society and in the family.¹¹²

99. The same Committee noted with concern the risk that women who were subjected to domestic violence would be deprived of their parental rights because their family might be perceived as “at social risk”, resulting in their children being institutionalized.¹¹³

100. The Human Rights Committee recommended that the State: (a) adopt without undue delay legislation specifically criminalizing violence against women, particularly domestic and sexual violence, including marital rape, and ensure its effective implementation in practice; (b) strengthen preventive measures; (c) ensure that law enforcement officials, the judiciary and other relevant stakeholders received appropriate training on gender-sensitive detection, handling and investigation of cases of violence against women; and (d) ensure that all cases of violence against women were promptly and thoroughly investigated, that

perpetrators were brought to justice and that victims had access to effective remedies and means of protection, including sufficient, safe and adequately funded shelters and crisis centres and suitable support services throughout the country.¹¹⁴

101. The Committee on the Elimination of Discrimination against Women was concerned that women remained significantly underrepresented at the decision-making levels in the parliament, and that they were concentrated in the public administration at the middle and lower levels only.¹¹⁵

2. Children¹¹⁶

102. The Committee against Torture recommended that the State enact legislation to explicitly and clearly prohibit corporal punishment in all settings, including juvenile facilities, closed schools and child welfare facilities, in all parts of the country, and take the measures necessary to prevent such punishment.¹¹⁷

103. The Committee on the Rights of the Child urged the State to encourage the reporting of all forms of violence against children and establish accessible, confidential, child-friendly and effective reporting channels, and to ensure that cases of violence against children were investigated and prosecuted and that perpetrators were brought to justice.¹¹⁸

104. The same Committee urged the State to formulate, with the involvement of children, a comprehensive strategy for preventing, combating and monitoring all forms of violence against children, including bullying and online violence, paying particular attention to lesbian, gay, bisexual and transgender children and children with disabilities.¹¹⁹

105. The Committee was concerned about an increasing number of children with disabilities in residential care and about insufficient coverage of family-based care, especially for children with disabilities. It was also concerned about the insufficiency of efforts to increase the standards of institutional care in order to protect children's rights and ensure regular monitoring of placement.¹²⁰

106. The United Nations country team called for the development of a comprehensive national strategy on childcare reform, overseen by the National Commission on the Rights of the Child. It recommended that the Government strengthen family-based alternative care responses, paying particular attention to the specific needs of children with disabilities.¹²¹

107. The Committee on the Rights of the Child was seriously concerned about a significant increase in child sexual exploitation and abuse, particularly online and in relation to boys and children with disabilities, in the context of the expansion of Internet coverage.¹²²

3. Persons with disabilities¹²³

108. The Human Rights Committee recommended that the State ensure improved accessibility for, and non-discriminatory access by, persons with disabilities to public transportation, buildings and other facilities.¹²⁴

109. The Committee on the Elimination of Discrimination against Women recommended that the State take all safeguards necessary to ensure that women with disabilities had full access to reproductive health information and services, and that abortions and sterilizations performed on them were strictly subject to the free, prior and informed consent of the aforementioned women.¹²⁵

110. The Special Rapporteur on Belarus stated that people with "mental disabilities" in psychiatric hospitals and care homes were declared "mentally incapacitated". Directors of institutions were appointed as legal guardians and trustees of the patients' properties.¹²⁶

4. Minorities

111. The Special Rapporteur on Belarus stated that education in other languages was an issue for the Polish minority, which had only two full-time Polish schools.¹²⁷

5. Migrants, refugees and asylum seekers¹²⁸

112. The Committee against Torture remained concerned at reports that the State continued to engage in forced expulsion, deportation, returns and extradition to third countries in which there were substantial grounds to believe that an individual would be in danger of being subjected to torture.¹²⁹

113. The Committee was also concerned at reports indicating prolonged detention of people who were in violation of migration legislation, at poor conditions in those detention facilities and at the lack of fundamental legal safeguards provided to those detained.¹³⁰

114. The United Nations country team recommended that the Government consider introducing alternatives to detention for asylum seekers, and use detention only as a measure of last resort in accordance with the law, for the shortest possible period.¹³¹

115. The Committee on the Rights of the Child urged the State to establish status determination procedures to ensure the identification and protection of children in situations of migration, including unaccompanied children and separated children. It urged the State to ensure that all children in situations of migration, including undocumented and separated children, received appropriate protection, were informed about their rights in a language they understood, had access to education and health care, including psychosocial support, and were provided with interpretation and free legal aid; and develop comprehensive referral, case management and guardianship frameworks for unaccompanied and separated children.¹³²

6. Stateless persons

116. The United Nations country team recommended that the Government introduce a specific and dedicated statelessness determination procedure. It also recommended that the Government introduce legislative changes, where relevant, to provide for better treatment of stateless persons, in particular children, and focus, *inter alia*, on the prevention of new instances of statelessness.¹³³

117. The Committee on the Rights of the Child recommended that the State further strengthen the prevention of statelessness among children, including by extending protection to children born to undocumented stateless parents, and ensure that all stateless children had access to education and health care.¹³⁴

Notes

¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Belarus will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/BYIndex.aspx.

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 CERD/C/BLR/CO/20-23, para. 31; CAT/C/BLR/CO/5, para. 61; and CEDAW/C/BLR/CO/8, para. 54. See also CRC/C/BLR/CO/5-6, para. 47.

⁴ CAT/C/BLR/CO/5, para. 55 (a). See also CCPR/C/BLR/CO/5, para. 28.

⁵ CRC/C/BLR/CO/5-6, para. 46.

⁶ CERD/C/BLR/CO/20-23, para. 35.

⁷ *Ibid.*, para. 31.

⁸ CEDAW/C/BLR/CO/8, para. 23 (b).

⁹ CRC/C/BLR/CO/5-6, para. 18 (d). See also United Nations country team submission for the universal periodic review of Belarus, para. 62.

¹⁰ United Nations country team submission, para. 35.

¹¹ A/74/196, para. 81 (j).

¹² CCPR/C/BLR/CO/5, para. 7; see also para. 5.

¹³ For relevant recommendations, see A/HRC/30/3, paras. 127.11–127.26, 127.37–127.39 and 129.10–129.20.

- 14 CCPR/C/BLR/CO/5, para. 14. See also CRC/C/BLR/CO/5-6, para. 10; CAT/C/BLR/CO/5, para. 49; CERD/C/BLR/CO/20-23, para. 13; CEDAW/C/BLR/CO/8, para. 15; and A/73/380, para. 123 (k).
- 15 For relevant recommendations, see A/HRC/30/3, paras. 127.36, 127.50, 128.1 and 129.24–129.28.
- 16 United Nations country team submission, paras. 9–10. See also CCPR/C/BLR/CO/5, para. 16.
- 17 CERD/C/BLR/CO/20-23, para. 11.
- 18 Ibid., para. 17.
- 19 Ibid., para. 15.
- 20 Ibid., para. 23. See also United Nations country team submission, para. 16.
- 21 CCPR/C/BLR/CO/5, para. 20. See also CAT/C/BLR/CO/5, para. 43; and CEDAW/C/BLR/CO/8, para. 47.
- 22 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.
- 23 CCPR/C/BLR/CO/5, para. 27. See also CAT/C/BLR/CO/5, para. 54.
- 24 A/HRC/41/52, para. 22.
- 25 CCPR/C/BLR/CO/5, para. 28. See also CAT/C/BLR/CO/5, para. 55; and A/HRC/41/52, para. 95 (a).
- 26 CAT/C/BLR/CO/5, para. 13.
- 27 Ibid., para. 9. See also CCPR/C/BLR/CO/5, para. 29; and A/HRC/41/52, para. 25.
- 28 CAT/C/BLR/CO/5, para. 21.
- 29 A/HRC/41/52, para. 28. See also CAT/C/BLR/CO/5, paras. 33–34.
- 30 United Nations country team submission, para. 30.
- 31 CAT/C/BLR/CO/5, para. 51. See also CCPR/C/BLR/CO/5, para. 30 (a).
- 32 CCPR/C/BLR/CO/5, para. 30 (e). See also CAT/C/BLR/CO/5, para. 16 (b).
- 33 CCPR/C/BLR/CO/5, para. 30 (b)–(d).
- 34 Ibid., para. 32.
- 35 CAT/C/BLR/CO/5, para. 8.
- 36 Ibid., paras. 21–22. See also CCPR/C/BLR/CO/5, para. 36 (a)–(b).
- 37 A/HRC/41/52, para. 55.
- 38 CCPR/C/BLR/CO/5, para. 34. See also CAT/C/BLR/CO/5, paras. 19–20.
- 39 For relevant recommendations, see A/HRC/30/3, paras. 127.74–127.75, 128.2 and 129.51–129.54.
- 40 CCPR/C/BLR/CO/5, para. 40. See also CAT/C/BLR/CO/5, para. 12; and CERD/C/BLR/CO/20-23, paras. 21–22.
- 41 CCPR/C/BLR/CO/5, para. 40.
- 42 A/HRC/41/52, para. 53.
- 43 CCPR/C/BLR/CO/5, paras. 41–42.
- 44 Ibid., para. 53.
- 45 CRC/C/BLR/CO/5-6, para. 43. See also CAT/C/BLR/CO/5, para. 28 (b); and A/HRC/41/52, para. 54.
- 46 For relevant recommendations, see A/HRC/30/3, paras. 127.79–127.82, 129.55–129.84, 129.86–129.88 and 129.90–129.95.
- 47 A/HRC/41/52, para. 49. See also CCPR/C/BLR/CO/5, para. 45.
- 48 CCPR/C/BLR/CO/5, para. 49 (b)–(c).
- 49 A/HRC/41/52, para. 36. See also A/74/196, para. 46.
- 50 UNESCO submission for the universal periodic review of Belarus, para. 15.
- 51 Ibid., para. 18.
- 52 A/74/196, para. 81 (d).
- 53 CCPR/C/BLR/CO/5, para. 49 (e)–(f).
- 54 UNESCO submission, para. 19.
- 55 Ibid., para. 20.
- 56 A/HRC/28/63/Add.1, para. 384.
- 57 CEDAW/C/BLR/CO/8, para. 16.
- 58 A/HRC/41/52, para. 5. See also CCPR/C/BLR/CO/5, para. 51 (a) and (c).
- 59 A/HRC/41/52, para. 30. See also A/74/196, para. 70.
- 60 A/74/196, para. 73.
- 61 Ibid., para. 81 (f). See also United Nations country team submission, paras. 31–33.
- 62 CCPR/C/BLR/CO/5, para. 54. See also CEDAW/C/BLR/CO/8, paras. 16–17.
- 63 A/HRC/41/52, para. 5.
- 64 A/74/196, para. 61.
- 65 CCPR/C/BLR/CO/5, para. 56.
- 66 A/74/196, para. 78.
- 67 Ibid., para. 81 (g).
- 68 For relevant recommendations, see A/HRC/30/3, paras. 127.63–127.64, 127.66, 127.68–127.73 and 127.86.
- 69 CAT/C/BLR/CO/5, para. 38.
- 70 CERD/C/BLR/CO/20-23, para. 19.
- 71 United Nations country team submission, para. 24.

- ⁷² CEDAW/C/BLR/CO/8, para. 25.
- ⁷³ A/HRC/41/52, para. 79.
- ⁷⁴ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3333039:NO.
- ⁷⁵ A/HRC/38/51, paras. 89–90.
- ⁷⁶ For relevant recommendations, see A/HRC/30/3, paras. 127.76–127.78.
- ⁷⁷ CCPR/C/BLR/CO/5, para. 43.
- ⁷⁸ A/HRC/41/52, paras. 80 and 82.
- ⁷⁹ CRC/C/BLR/CO/5-6, para. 26 (c) and (e).
- ⁸⁰ CEDAW/C/BLR/CO/8, para. 43 (b).
- ⁸¹ For relevant recommendations, see A/HRC/30/3, paras. 127.84–127.85 and 129.96.
- ⁸² See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3343321:NO.
- ⁸³ Ibid.
- ⁸⁴ A/HRC/41/52, para. 7.
- ⁸⁵ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3297289:NO. See also CEDAW/C/BLR/CO/8, para. 33 (a).
- ⁸⁶ www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3297221:NO.
- ⁸⁷ CCPR/C/BLR/CO/5, para. 54 (d).
- ⁸⁸ A/HRC/41/52, para. 44.
- ⁸⁹ For relevant recommendations, see A/HRC/30/3, paras. 127.88–127.89 and 127.93.
- ⁹⁰ www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3343321:NO.
- ⁹¹ CEDAW/C/BLR/CO/8, para. 38.
- ⁹² For relevant recommendations, see A/HRC/30/3, paras. 127.87, 127.90–127.92 and 127.94.
- ⁹³ United Nations country team submission, para. 41.
- ⁹⁴ CRC/C/BLR/CO/5-6, para. 35 (a).
- ⁹⁵ United Nations country team submission, para. 40.
- ⁹⁶ Ibid., p. 10.
- ⁹⁷ A/HRC/41/52, paras. 77–78.
- ⁹⁸ For relevant recommendations, see A/HRC/30/3, paras. 127.95–127.99.
- ⁹⁹ CAT/C/BLR/CO/5, para. 22 (f).
- ¹⁰⁰ United Nations country team submission, para. 37.
- ¹⁰¹ CEDAW/C/BLR/CO/8, para. 37.
- ¹⁰² CRC/C/BLR/CO/5-6, para. 33.
- ¹⁰³ For relevant recommendations, see A/HRC/30/3, paras. 127.100–127.105.
- ¹⁰⁴ CERD/C/BLR/CO/20-23, para. 23.
- ¹⁰⁵ CCPR/C/BLR/CO/5, para. 18. See also CRC/C/BLR/CO/5-6, para. 36 (a).
- ¹⁰⁶ CEDAW/C/BLR/CO/8, para. 30 (d).
- ¹⁰⁷ CRC/C/BLR/CO/5-6, para. 36 (b). See also CCPR/C/BLR/CO/5, para. 22.
- ¹⁰⁸ UNESCO submission, para. 13.
- ¹⁰⁹ A/HRC/41/52, para. 85.
- ¹¹⁰ For relevant recommendations, see A/HRC/30/3, paras. 127.40–127.49, 127.53–127.61 and 127.83.
- ¹¹¹ United Nations country team submission, para. 13.
- ¹¹² CEDAW/C/BLR/CO/8, para. 20.
- ¹¹³ Ibid., para. 22 (e).
- ¹¹⁴ CCPR/C/BLR/CO/5, para. 24. See also CAT/C/BLR/CO/5, paras. 37 and 39; CEDAW/C/BLR/CO/8, para. 23; and United Nations country team submission, para. 14.
- ¹¹⁵ CEDAW/C/BLR/CO/8, para. 28.
- ¹¹⁶ For relevant recommendations, see A/HRC/30/3, paras. 127.62, 127.65, 127.67 and 129.9.
- ¹¹⁷ CAT/C/BLR/CO/5, para. 41. See also CRC/C/BLR/CO/5-6, para. 21 (a).
- ¹¹⁸ CRC/C/BLR/CO/5-6, para. 21 (f) and (h).
- ¹¹⁹ Ibid., para. 21 (d).
- ¹²⁰ Ibid. para. 27 (b)–(c) and (e).
- ¹²¹ United Nations country team submission, p. 10. See also CRC/C/BLR/CO/5-6, paras. 7 and 27–28.
- ¹²² CRC/C/BLR/CO/5-6, para. 22 (a).
- ¹²³ For relevant recommendations, see A/HRC/30/3, paras. 127.106–127.107 and 127.109–127.111.
- ¹²⁴ CCPR/C/BLR/CO/5, para. 22.
- ¹²⁵ CEDAW/C/BLR/CO/8, para. 43 (a).
- ¹²⁶ A/HRC/41/52, para. 62.
- ¹²⁷ Ibid., para. 85.
- ¹²⁸ For the relevant recommendation, see A/HRC/30/3, para. 127.112.
- ¹²⁹ CAT/C/BLR/CO/5, para. 52.
- ¹³⁰ Ibid.
- ¹³¹ United Nations country team submission, para. 61.

¹³² CRC/C/BLR/CO/5-6, para. 39 (b) and (f).

¹³³ United Nations country team submission, paras. 62–63.

¹³⁴ CRC/C/BLR/CO/5-6, para. 18 (b)–(c).
