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FOURTH UNIVERSAL PERIODIC REVIEW OF BELARUS

Joint submission by the United Nations Country Team

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Submitting entities: IOM, UNHCR and UNICEF.

Introduction

1. This report is a joint undertaking of the United Nations Country Team (UNCT) in Belarus for the period of 2020 to 2025, prepared on the basis of the submissions of IOM, UNHCR, and UNICEF.

2. The report does not aim to provide an exhaustive assessment of the human rights situation in the country nor an analysis of the impact of unilateral coercive measures on human rights realization. It highlights some of the main issues, which are a part of the UNCT's ongoing work, in accordance with the UN entities' mandates. It notes outstanding challenges and emerging trends and proposes recommendations.

I. Scope of international obligations and cooperation with international human rights mechanisms and bodies

✓ UPR Recommendations: 138.5 and 138.19.

3. In October 2019, at UNHCR's High-Level Segment on Statelessness, Belarus [pledged](#) to accede to the UN Statelessness Conventions: the 1954 Convention relating to the Status of Stateless Persons (1954 Convention) and the 1961 Convention on the Reduction of Statelessness (1961 Convention). The country has not yet acceded to either Convention, despite the Government's assurances that the necessary steps would be taken.

4. Previously, the state authority responsible for statelessness-related matters—the Department of Citizenship and Migration (DCM) of the Ministry of Internal Affairs of Belarus (MIA)—indicated that accession would take place following amendments to the Law of the Republic of Belarus dated 1 August 2002 N 136-3 “On Citizenship of the Republic of Belarus” (Law on Citizenship). Since the 2019 pledge, the Law on Citizenship has undergone two rounds of amendments (2020/2021 and 2023/2024). At the end of 2024, UNHCR was informed that the accession process was put on hold until after the Presidential Elections, which took place on 26 January 2025. UNHCR remains hopeful that Belarus will move forward with the accession process and stands ready to provide any necessary support.

5. Taking steps towards the ratification and implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as recommended during the previous UPR cycle, remain crucial to ensure that migrant workers are treated fairly and with dignity.

Recommendations:

- Accede to the UN Statelessness Conventions in accordance with the 2019 pledge.
- Following accession, review and, where appropriate, amend relevant national legislation to strengthen the protection of stateless persons, particularly children and implement safeguards to prevent new cases of statelessness.
- Take steps towards the ratification and implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

II. National human rights framework

6. The National Commission of Child Rights is established as a national institution responsible for the protection and promotion of the rights of the child.

Recommendations:

- Establish a secretariat under the Council of Ministers that is better capacitated to strengthen coordination of the National Commission of Child Rights.
- Ensure that a similar coordination body exists at the local level to coordinate comprehensive responses for children.

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

A. Civil and political rights

Right to life, liberty and security of person: human trafficking

- ✓ UPR Recommendations: 138.115, 138.116, 138.117, 138.118, 138.119, 138.120, 138.121, 138.122, 138.123, 138.124 and 138.125.

7. The Government of Belarus demonstrates a strong commitment to addressing the issue of human trafficking particularly in relation to sexual exploitation, child sexual abuse, and involvement in pornography. This commitment is evident at both international and national levels, as the Government expresses its willingness to support global counter-trafficking initiatives while enhancing internal mechanisms.

8. However, cases of labour exploitation, whether occurring domestically or internationally, are not recognized as trafficking. Instead, they are often classified as illegal or fraudulent employment. As a result, individuals who fall victim to this form of exploitation do not qualify for state assistance or reintegration support, though some assistance may be rendered to presumed survivors of trafficking for labour exploitation as “people who found themselves in a difficult life situation”. Hence, initiatives to prevent, investigate and prosecute trafficking for labour exploitation should be strengthened.

9. The basis for the identification and referral of victims of trafficking (VoT) is the national comprehensive Law on Counter-Trafficking adopted in 2012 and supplemented in 2015 with the Provision on Identification of VoT, the Procedure of Filling in the Questionnaire of a Person Who Might Have Suffered from Trafficking in Human Beings or Related Crimes, the Procedure of Disclosure of the Information from the Questionnaire (adopted by the Council of Ministry of Belarus in 2015 and amended in 2020). The latter secures the National Referral Mechanism for Victims of Trafficking (NRM) covering both governmental stakeholders and non-governmental actors.

10. The amendments introduced to the Provision in 2020 enabled respecting individual autonomy of presumed victims of trafficking and ensured that they are not coerced into identification processes as the latter may be initiated only with the consent of the respective presumed victim. In case of disagreement regarding identification, the individual retains the right to receive reintegration assistance for a period of 30 days from the date of the completion of the Questionnaire and has access to support and resources, even if they initially choose not to participate in the identification process. This approach aligns with best practices on victim support, prioritizing the rights and choices of individuals who may have experienced trauma. However, in some cases, efforts to assist presumed victims of human

trafficking and navigate the complexities of victim support and referral processes remain insufficient as governmental officials assigned to assist victims of trafficking, inter alia in the education, healthcare, labour and social welfare sectors, lack the respective knowledge and practical skills.

11. Since 2020, civil society organizations (CSOs) have been facing restrictions on the activities. The work of organizations that support trafficking victims has been also limited, leading to inability to sub-contract civil society to provide social services for trafficking survivors.

12. Amid the increased arrival of refugees from Ukraine and migrants and refugees from third countries to Belarus, these groups are disproportionately vulnerable to human trafficking due to their irregular status, lack of documentation and limited access to resources and self-reliance opportunities.

Recommendations:

- To effectively implement the National Referral Mechanism for Victims of Trafficking, expand training programs for all relevant officials, focused on its principles and practices.
- Enable a conducive environment for CSOs, including by amending the respective laws governing the registration and operation of CSOs and eliminating all undue barriers that hinder their work to facilitate provision of protection services to trafficking victims.
- Intensify efforts aimed at screening migrants and refugees for indicators of human trafficking and provide them with protection assistance.
- Intensify efforts to address the root causes of human trafficking by expanding socio-economic empowerment opportunities for at-risk populations, including refugees, asylum seekers and migrants; providing vocational training programs that equip vulnerable individuals with valuable skills, thereby enhancing their employability and reducing dependence on exploitative labour; and facilitating their access to financial resources to invest in education, start their own business, etc. and fostering financial independence.

B. Rights of specific persons or groups

Children

- ✓ UPR Recommendations: 138.253, 138.255 and 138.256.

Childcare

13. Belarus has made notable progress in reducing the number of children in residential care institutions and in developing family-based alternative childcare. However, more than 5,000 children still reside in institutional facilities with an increasing number of children separated from families due to abuse, neglect and socially vulnerable position. The most vulnerable are children of an early age and children with disabilities. A significant number of children in institutions are “social orphans”, they have biological parents and relatives, which indicates gaps in parental skills and lack of community-based support to vulnerable families.

Child poverty and women’s empowerment

14. There are about 90,000 women of fertile age (15-49) that live in rural areas of Belarus. Given the high participation of these women in the labour market, it can be assumed based on general statistics that the income of these women is substantially lower, as most of them work in the agricultural and/or social sector.

15. There are about 225,000 households with children in rural areas, 106,000 of which are children 0-4 years of age. As families with children 0-3 years of age receive social benefits, they seem to be better protected than families with, for example, adolescents. However, this situation leads to “postponed poverty” until the child reaches four years of age. Women often choose to have a shorter period between childbirths to keep the additional source of income derived from the under-three child allowance, sometimes for several children at the same time.

16. This may drive women not only to postponed poverty, but also to losing their professional qualification or opportunities to continue their education due to a longer maternity leave. In addition, fewer job opportunities for women with small children lead them to stay home and prevent them from sending their children to preschool. This may jeopardize outcomes of child development, due to the low education level of mothers and no preschool attendance.

Justice for children

17. Despite a decreasing number of children convicted by courts, there is an increase of minors who are deprived of liberty (25,6% in 2024 vs. 20,2% in 2023). Of concern continue to be long sentences for drug-related crimes and criminalization of children who are seen as perpetrators of sexual violence against other children. In addition, 211 children (11-18 years) were still in closed educational institutions with restrictive living conditions in 2023, which is significantly higher than in 2022 (131). Diversion or probation do not exist and there is also the risk of long pre-trial detention. Global evidence shows that only restorative approaches address the root causes and help children to perceive their wrongs.

Violence against children

18. Violence against children in all settings remains a critical issue with a significant increase in identified cases of sexual violence and a lack of prevention, identification and response measures in place.

19. Gaps in the social care system with late identification of vulnerable families with children, inadequate quality of response services, lack of parenting skills in non-violent discipline, tolerance to violent discipline measures, suboptimal competencies of frontline workers, such as teachers and healthcare providers, lack of family-centered approaches to prevention services – all affect the degree of protection of children from all types of violence (sexual violence and abuse, domestic violence, bullying in schools, violence in digital space and violence in residential institutions).

Recommendations:

- Adopt a comprehensive inter-sectoral strategy on childcare reform to ensure children’s right to live in a family environment, with high-level leadership and coordination as an integral part of the state programmes on the prevention of institutionalization with allocated financial, human and technical resources, with particular attention to socially vulnerable children with disabilities and children under three.

- Scale up the national program for parents in rural areas that provide support and counselling on early childhood development.
- Improve the quality of home visiting services, existing within the primary health care system, by introducing child developmental monitoring.
- Develop and institutionalize non-judicial measures, such as diversion, mediation, and counselling, for children accused of criminal offences and, as a priority, promote the use of noncustodial sentences, such as probation or community service.
- Develop a comprehensive strategy for the prevention, identification, and response to all forms of violence against children, with a particular focus on sexual violence.

Migrants, refugees, asylum seekers and internally displaced persons

- ✓ UPR Recommendations: 138.119, 138.122, 138.123 and 138.266.

Migrants

20. The Government is committed to improving the efficiency of the external labour migration ecosystem and maximizing its capacity to ensure sustainable development. The Amended Law on External Labour Migration, which took effect on 1 July 2023, simplified access to the labour market for some categories of labour migrants. The new Concept of the National Migration Policy for 2024-2028 prioritizes topics related to better utilizing labour migration for the socio-economic development of Belarus.

21. At the same time, additional focus should be made on the protection of migrant workers' rights. A strengthened legal framework and protection for migrant workers can help prevent exploitation and abuse, which is prevalent in many labour migration scenarios.

22. Migrants in an irregular situation detained in Belarus are held in places not specifically designed for accommodating migrants, such as in isolators for temporary detention, designated for citizens of Belarus sentenced to administrative detention. Alternatives to detention that respect the rights of individuals while addressing migration challenges should be implemented. Detention should only be imposed as a measure of last resort, where less restrictive alternatives have been considered and found inadequate to meet legitimate purposes. With the aim of ensuring the rights and well-being of migrants in detention, it is essential that they are able to communicate with the outside world. This includes access to various forms of communication such as telephone, email, allowing them to contact a lawyer, a consular representative, and family members. Facilitating communication not only supports the migrants' rights and access to necessary assistance but also helps maintain their mental well-being by keeping them connected to their support networks.

23. When the best interests of a child necessitate keeping the family together, the principle of not depriving the migrant child of liberty extends to their parents and guardians. Detention of migrant children for reasons linked to their migration status or that of their parents is never in the best interests of the child.

24. To avoid unnecessary detention, effective screening and identification procedures should be developed, along with assessments of individual migrants' situations to be used by migration officials. These measures should enable authorities to make informed decisions regarding referrals for asylum seekers and other vulnerable migrants, determine options for temporary or long-term admission, and ensure that any restrictions to liberty are justified and proportionate, while also guiding return decisions for those who do not qualify for protection.

25. Belarus has legislation in place to combat hate crimes, violence, xenophobia and discrimination but it is not specifically targeted at migrants. The Criminal Code No.275-3 (1999) criminalizes incitement of racial, ethnic, religious and linguistic hatred, with severe penalties, especially when combined with violence or resulting in death (Article 130) and recognizes hatred and discord as aggravating circumstances in crimes (Article 64). Law No. 105-3 “On the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Belarus” prohibits expelling foreign nationals to countries where they may face danger due to their race, religion, or other protected characteristics (Article 17-1). However, it is recommended to establish a policy or strategy to combat hate crimes, violence and discrimination against migrants.

26. Migrants in an irregular situation continue to face barriers to access essential healthcare services. According to Article 5 of the Law of the Republic of Belarus on Healthcare, emergency medical care, including childbirth, is provided free of charge regardless of the status of stay in the country. However, migrants are de facto forced to pay for urgent treatment, the prices of which are high. Regular and irregular migrants continue to lack sustainable access to antiretroviral (ARV) therapy. Country procurement of ARV therapy does not take into account the needs of migrants. The existing prohibition on the sale of ARV therapy in pharmacies forces migrants to return to their country of origin or not to take treatment at all. It is recommended to identify a relevant department in the healthcare system for a systematic approach to address barriers in accessing health care services.

Recommendations:

- Strengthen the legal framework and protections for migrant workers to help prevent exploitation and abuse.
- Ensure that migrant workers are protected from exploitation and discrimination while accessing essential services, including healthcare, social protection, information, justice, financial services, etc.
- Facilitate and implement alternatives to detention for migrants in an irregular situation that respect the rights of individuals and ensure that detention is only imposed as a measure of last resort.
- Prioritize non-custodial solutions for families with children and ensure that migrant children are not separated from their parents during custody situations.
- Ensure the ability of migrants in detention to communicate with the outside world.
- Intensify the application of the principle of the Best Interest of the Child (BIC) and the Best Interest Determination procedure for unaccompanied and separated migrant children or those travelling with their families and ensure the proper practical implementation of the BIC principle for migrant children by competent state authorities.

Refugees and asylum-seekers

27. In 2024, 2,255 persons applied for asylum in Belarus: the most of them were citizens of Ukraine (2,099), Afghanistan (24), Yemen (15), Latvia (13) and Syria (11). This was the second highest number of asylum-seekers in the history of the Belarusian state refugee status determination procedure (SRSDP).¹

28. Under the unified SRSDP², DCM, the central state asylum authority, can grant refugee status (RS) or complementary protection (CP) to an individual. In case a person does not qualify for RS and CP but cannot be returned to their country of origin, such applicant can be granted so-called non-refoulement protection, which provides legal grounds to stay in Belarus. In 2024, RS was granted to 9 persons³, CP to 1,007 persons and non-refoulement protection to 5 persons⁴. At the end of 2024, there were 3,151 persons with RS and CP

residing in Belarus (217 with RS and 3,290 with CP), and an estimated 39,896 citizens of Ukraine who have not formally applied for asylum but have regularized their stay by obtaining permits for permanent residence or for temporary residence.

29. In 2024, the SRSDP was challenged by the increasing number of asylum-seekers in the context of the limited reception facilities, both in terms of number of state asylum authorities' personnel⁵ and insufficient capacity of state temporary accommodation centers (TAC) for asylum-seekers (only 76 places available in all three TACs)⁶. This has resulted in an unprecedented number of asylum-seekers awaiting decisions as at the end of 2024 (approximately 1,240), with very limited reception options available. In addition, UNHCR is aware of cases where asylum applications were examined for up to 11 months, whereas previously the state authorities were able to complete the asylum process within 6 months⁷.

30. In 2024, individuals who expressed their wish to seek asylum in Belarus had to wait for up to 4.5 months for their asylum application to be received and registered. During this period, they had no legal grounds to stay in Belarus (for nationals from countries other than Ukraine) or, in the case of Ukrainian citizens, had overstayed their 3-month permit for temporary stay, which they have by default after entering Belarus. In both cases, it meant that they were in legal limbo and not protected against forced removal, as their status as asylum-seekers had not been formalized in accordance with existing legislation. Furthermore, neither the Law on Refugees nor any other relevant legislation provides for the issuance of an official document confirming that a person has declared an intention to seek asylum and is awaiting a formal application.

31. National legislation in the field of asylum and legislation regulating issues related to the SRSDP include the Law of the Republic of Belarus dated 23 June 2008 N 354-3 "On Granting of Refugee Status, Complementary Protection, Asylum and Temporary Protection to Foreign Citizens and Stateless Persons in the Republic of Belarus" (Law on Refugees) and relevant bylaws.

32. DCM is open to UNHCR's participation in legislative processes in the field of asylum. The last round of substantive amendments to the Law on Refugees took place in 2016⁸, and UNHCR submitted its proposals. It resulted in important positive changes, including:

- Almost all rejection grounds not in line with the 1951 Convention were eliminated.⁹
- A new clause stating that if the Law on Refugees provides for better treatment and more rights than international treaties and/or other Belarusian legislation, the provisions of the Law on Refugees shall apply: *"if this Law and/or other legislative acts stipulate provisions envisaging more legal, economic and social guarantees of protection of right and legal interests of foreigners applying for protection, as well as foreigners who have been granted refugee status, complementary protection, asylum or temporary protection in the Republic of Belarus than those in international treaties of the Republic of Belarus, provisions of this Law and/or other legislative acts shall apply"*.¹⁰

33. Despite positive developments, gaps remain. One of them is the third safe country concept (TSCC), which leads to issuing a negative decision in the case of an asylum-seeker who arrived in Belarus from the territory of a third/transit country (in most cases — from the territory of Russia), where, according to DCM, such a person is entitled to apply for asylum and enjoy protection against refoulement. According to the Law on Refugees, the TSCC may (not must) be used as a rejection ground. However, in recent years, DCM has used this clause as an additional ground for negative decisions. The application of the concept of the TSCC as

it stands now may lead to chain refoulement, which goes contrary to Belarus' obligations under the 1951 Convention, as neither the Law on Refugees nor practice provides for a comprehensive assessment of whether a person will have access to a (state) asylum procedure in a third safe country from where they arrived.

34. From a legal point of view, asylum-seekers and persons granted protection have the right to court protection on par with citizens of Belarus. However, there is no free legal aid provided by the Government within the SRSDP, including at the appeal stage. Asylum-seekers must rely on their own, often limited, resources. Currently, UNHCR provides free legal assistance (counselling) to asylum-seekers and persons granted protection, and a lawyer with a license is provided by UNHCR in a very limited number of individual cases within the appeal phase. This assistance does not fully cover the needs of all forcibly displaced persons in Belarus. The introduction of free legal aid provided by the Government is crucial to improve the situation of asylum-seekers and refugees in Belarus.

35. Statistics on asylum seekers' appeals against negative decisions on their asylum applications at the level of DCM show that in the period 2020-2024, approximately 50 people per year used the appeal stage of the SRSDP. Of these, the majority were rejected by the courts (between 60% and 80% depending on the year, while the appeals of the rest were terminated because the individuals did not pursue their appeals for various reasons, including due to their spontaneous departure from Belarus). In the last 10 years, there were only two positive court decisions on asylum cases: one in 2016 and another one in 2014.¹¹

Recommendations:

- Consider the introduction of an official document(s) within SRSDP, confirming that a person expressed an intention to seek asylum and is now awaiting a formal asylum application. Such document(s) will be linked to the status of asylum-seeker; once a person formally applies for asylum, it will be replaced by a regular asylum-seeker certificate. Alternatively, consider amendments to the legislation whereby a clearly stated and documented intention to apply for asylum is considered an effective application for asylum leading to issuance of the asylum-seeker certificate from the moment of expressing intention to apply.
- Remove the third safe country as a separate ground for rejection or ensure that its application includes an individual assessment of whether a country considered as a third safe country in a particular case provides an actual unhindered access to SRSDP and guarantees protection against refoulement in practice, before a decision on the asylum application is made.
- Advocate with the Government for the introduction of free legal aid for asylum-seekers and refugees. For asylum-seekers, it should be available from the start of the SRSDP and extend to those who have been rejected at DCM level and wish to appeal against negative decisions to higher instances.
- Invest more efforts in capacity building and sensitization of the judiciary and lawyers-practitioners to ensure that asylum-seekers and refugees receive better legal assistance from the outset and that the appeal stage of the SRSDP serves as an effective remedy.
- Consider expanding the currently insufficient reception capacity of existing TACs, which affects the Government's ability to expedite receipt of new asylum applications, in line with an age and gender sensitive approach for the purpose of accommodation arrangements.

Refugee and migrant children

36. Refugee and migrant children, particularly, unaccompanied and separated children (UASC) who do not have international protection needs, encounter barriers to state child

protection and social services due to gaps in legislation and normative framework as well as dis-coordinated response among social protection, child protection, education, and health sectors. There is a lack of national intersectoral standard operating procedures (SOPs) that ensure delivery of social and child protection services (including shelter, violence against children (VAC) identification, prevention, and response, ensuring family unity, access to alternative care and ensuring continuity of care, Mental Health and Psychosocial Support (MHPSS) services, etc.) for forcibly displaced, stateless, migrant children and their caregivers.

Recommendations:

- Develop the national regulatory framework for identification of UASC and provision of child protection, alternative family-based care, family reunification, social protection, and MHPSS services together with the development of a minimum package of services available to vulnerable children on the move underpinned by the best interests of the child principle.

Stateless persons

Statelessness determination procedure

37. There is currently no dedicated statelessness determination procedure (SDP) in Belarus. However, Belarusian authorities may recognize a person as stateless through one of two existing procedures: the verification of a person's affiliation to Belarusian citizenship or the procedure of identification of personality.

38. Despite UNHCR ongoing engagement and advocacy, the Government has not yet prioritized the introduction of a dedicated SDP. While there have been discussions about the introduction of an SDP in the past, they have generally been linked to Belarus' potential accession to the UN Statelessness Conventions, with any SDP envisioned post-accession.

39. According to DCM statistics, there were 5,620 stateless persons in Belarus at the end of 2024. Of these, 96.2% held permits for permanent residence (PPR) and 98.6% were former citizens of the USSR who had been residing in Belarus since the mid-1990s. While the Government has indicated ongoing efforts to reduce statelessness in the country, progress has been gradual, and figures have fluctuated over recent years: 5,620 at the end of 2024, 5,567 at the end of 2023, 5,466 at the end of 2022, 5,985 at the end of 2021, 6,296 at the end of 2020.

40. The introduction of an SDP would provide the Government with an effective tool to identify stateless people and facilitate status determination. Furthermore, an SDP would contribute to streamlining the documentation process, ensuring that stateless people receive appropriate legal recognition and corresponding residency rights.

Legislation

41. The Law on Citizenship contains several positive provisions, including those that were introduced following amendments dated 10 December 2020 (came into force in June 2021) and January 2023 (came into force in July 2024).

42. Some of the positive developments emanating from 2020/2021 amendments include:
- The mandatory period of permanent residence required for a citizenship application was reduced from 7 to 5 years.

- A new pathway to citizenship was introduced: restoration, in addition to citizenship by birth, acquisition (naturalization), and registration), which targets those who used to have citizenship of Belarus in the past; this ground, inter alia, does not require, 5-years permanent residence.¹²
- Certain categories of applicants may be exempt from the 5-year permanent residence requirement, specifically:
 - persons, who are foreign citizens or stateless persons, permanently residing in Belarus, married to a Belarusian citizen for not less than 3 years and having a common underage child who is citizen of Belarus, and
 - persons who are foreign citizens or stateless persons who used to be citizens of Belarus.¹³

43. Positive developments emanating from 2023/2024 amendments include that as a general rule, the 5-year residence requirement to apply for citizenship needs to be uninterrupted, which means that a person should not reside outside Belarus for more than 90 days within a calendar year. However, the 2023/2024 amendments introduced a provision allowing for exceptions if the extended stay outside Belarus was due to reasons beyond a person's control.

44. Additionally, in line with existing provisions, (in force since 2006), a person who was granted refugee status or asylum in Belarus remains exempt from the requirement to renounce their current citizenship, which applies to other foreign applicants.¹⁴

45. At the same time, two amendments to the Law on Citizenship introduced since 2020 raise concerns regarding their potential impact on statelessness:

- **2020/2021 amendments:** Individuals aged 18 years old and above who acquired Belarusian citizenship through naturalization, registration, restoration or international treaties may have their citizenship revoked if a final decision of a Belarusian court, a foreign court, an international tribunal, or a mixed tribunal confirms their involvement in extremist activities or actions inflicting grave damage to the interests of Belarus.
- **2023/2024 amendments:** Individuals aged 18 years old and above who acquired Belarusian citizenship by birth may have their citizenship revoked if a final decision by a Belarusian court confirms their involvement in extremist activities or actions inflicting grave damage to the interests of Belarus — provided they are residing outside Belarus.

46. A key concern is that citizenship may be revoked under these provisions even if it results in statelessness. This appears to contradict the general regulation of the Law on Citizenship which stipulates that *termination of citizenship of the Republic of Belarus is not allowed in case a citizen of the Republic of Belarus [...] does not have any other citizenship or guarantees of its acquisition.*

Recommendations:

- Introduce a dedicated SDP to improve the identification and protection of stateless persons, regularize their legal status in Belarus and ensure appropriate documentation.
- Consider conducting a verification exercise to accurately assess the stateless population following the introduction of the SDP.
- Provide training for caseworkers and adjudicators on SDP standards and relevant international legal frameworks.
- Raise awareness among stateless persons about their right for citizenship, requirements for acquisition and the fact that citizenship is more beneficial than remaining stateless.

- Abolish the clauses of the Law on Citizenship that may lead to statelessness (Parts Two and Three of Article 19 of the Law on Citizenship), or
- Amend the Law on Citizenship to ensure that the clause of Paragraph Four of Part One of Article 20, which does not allow for the loss of citizenship if it renders a person stateless, is applied to the cases of loss of Belarusian citizenship in accordance with the above-mentioned Parts Two and Three of Article 19 of the Law on Citizenship. This can be done by deleting Part Two of Article 20 of the Law on Citizenship.

¹ The biggest historical number of asylum-seekers was in 2022: 2,572 persons, including citizens of Ukraine (2,352), Afghanistan (44) and Syria (32).

² Unified refers to the fact that a person has to submit only one application, and competent authorities will review what form of protection they may be granted.

³ Citizens of Latvia (3), Afghanistan (1), Lithuania (1), New Zealand (1), Turkmenistan (1) and Ukraine (1).

⁴ CP: citizens of Ukraine (992), Afghanistan (10), Syria (3), Yemen (3), Ethiopia (1), Moldova (1) and to 1 Palestinian. Non-refoulement protection: citizens of Ukraine (4) and Yemen (1).

⁵ In Belarus, there is a two-tier system of processing of asylum claims: asylum authorities at Minsk and regional (oblast) level receive and register asylum applications, conduct eligibility interviews and prepare recommendations for decisions; DCM as the central asylum authority issues a final decision at the administrative (state authority) level. As of end-2024, around 20 employees of DCM (including the Head) and regional asylum authorities were processing all asylum applications.

⁶ TACs are located in Gomel (30 places), Vitebsk (30 places) and Slavgorod, Mogilev region (16 places).

⁷ According to the Law on Refugees, a 6-month term is established to review an asylum application within the ordinary procedure: 3 months for a state asylum authority at Minsk or regional (oblast) level and 3 months for DCM.

⁸ The most recent amendments to the Law on Refugees were in May 2023, but they dealt with formatting and changes in terminology.

⁹ The third safe country concept remains.

¹⁰ Part Four of Article 1 of the Law on Refugees. The term *foreigners* refers to foreign citizens and stateless persons, the term *foreigners applying for protection* refers to foreign citizens and stateless persons who applied for refugee status, complementary protection or asylum.

¹¹ Belarusian courts have no jurisdiction to grant protection. If they issue a positive decision, the case is returned to DCM for reconsideration. To UNHCR's knowledge, DCM has issued positive decisions in such cases and has not appealed to a higher court, although the law provides for such a possibility.

¹² In order to apply for Belarusian citizenship based on restoration of citizenship grounds, an applicant: (i) should be 18 years old and older; (ii) observe and respect the Constitution of Belarus and other legislation; (iii) have command of Belarusian or Russian language at the level enough for commutation (confirmed a written test); (iv) have had possessed Belarus citizenship in the past and lost it based on one of the grounds in the 1991 Law on Citizenship (no longer in force).

¹³ These two clauses complemented already existing ones: designed for (i) ethnic Belarusians and persons who consider themselves as ethnic Belarusian and their descendants (direct relative by blood: children, grandchildren and great-grandchildren); (ii) persons who have outstanding merits to Belarus (science, technology, culture and sports) or have a profession or qualification of state interest to Belarus.

¹⁴ Paragraph Six of Part One of Article 14 of the Law on Citizenship stipulates that for the purpose of acquisition of Belarusian citizenship a foreign citizen *shall not have citizenship or shall lose his/her citizenship of a foreign country in case s/he acquires citizenship of Belarus, or has submitted an application for renunciation of his/her citizenship to a competent authority of his/her country of citizenship, with the exception of instances when renunciation of citizenship of a foreign country is not possible due to the reasons outside of a person's control*. For the latter, a foreign citizen applying for citizenship shall provide written justification related to the reasons outside their control that do not allow them to renunciate their citizenship. Afterwards, it is at the discretion of competent state authority accepting application for citizenship to accept such explanations.