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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

**Belarus**

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## **I. Methodology**

1. This national report is being submitted under the third cycle of the universal periodic review and has been drawn up by the Ministry of Foreign Affairs based on materials submitted by the competent executive authorities, the Constitutional Court, the Supreme Court, the Office of the Procurator General, the Investigative Committee and the National Centre for Legislation and Legal Research.
2. The report was drafted with a view to execution of the 2016–2019 inter-agency plan to implement the recommendations accepted by Belarus following the second cycle of the universal periodic review before the Human Rights Council and the recommendations of the treaty bodies.
3. In fulfilment of the inter-agency plan, regular consultations were held with civil society concerning the implementation of the recommendations. Several rounds of consultations were held during preparation of the report in 2019 and 2020, with participation by members of the executive, legislative and judicial branches of government and representatives of academia and civil society organizations.

## **II. Normative and institutional framework for the promotion and protection of human rights**

### **A. Human rights legislation, including international treaties (recommendations 127.1–12, 127.27, 127.67, 127.108, 127.113 and 129.4–7)**

4. In accordance with the Constitution of Belarus (art. 2), the individual, his or her rights and freedoms and guarantees of the realization of those rights are the supreme value and goal of society and the State. Belarus recognizes the precedence of the generally recognized principles of international law and ensures that its legislation is consistent with them. National legislation at all levels is consistent with the relevant provisions of international human rights law.
5. In addition to the Constitution, the following instruments cover issues of human rights protection: the Civil Code, the Code of Civil Procedure, the Code of Economic Procedure, the Housing Code, the Elections Code, the Labour Code, the Criminal Code, the Tax Code, the Penalties Enforcement Code and Code of Criminal Procedure, the Marriage and Family Code, the Education Code, the Code on the Judicial System and the Status of Judges, the Code of Administrative Offences, the Code of Administrative Procedure and Enforcement, the Constitutional Proceedings Act, the Rights of the Child Act, the Civil Society Associations Act, the Act on the Legal Status of Foreign Nationals and Stateless Persons, the Freedom of Conscience and Religious Organizations Act, the Social Protection for Persons with Disabilities Act and other laws and regulations.
6. The Constitutional Court carries out a mandatory preliminary review to decide whether laws adopted by the parliament are constitutional before they are signed and may carry out a follow-up review at the request of the President, the parliament, the Supreme Court or the Council of Ministers to give opinions on the constitutionality of the laws and regulations, international treaties and other obligations accepted by Belarus.
7. Belarus is a party to most of the core international human rights treaties and continues progressively to expand its international obligations, based on an analysis of legislation and the financial impact. For example, since the second cycle of the universal periodic review, the following instruments have entered into force for Belarus:
  - Convention on the Rights of Persons with Disabilities, on 29 November 2016
  - Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, on 1 June 2018
  - Additional Protocol to the Council of Europe Criminal Law Convention on Corruption, on 1 June 2015

- Additional Protocol to the Anti-Doping Convention of the Council of Europe, on 1 May 2018
8. In 2014 and 2016, Belarus made requests to the Council of Europe for accession to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, but its overtures did not receive the Council's support.
  9. The main provisions of the International Convention for the Protection of All Persons from Enforced Disappearance are reflected in national legislation. Accession to this Convention is regarded as premature at this stage.
  10. The flows of external labour migration are unchanged from a geographical point of view. Belarus remains attractive primarily to citizens of the States members of the Commonwealth of Independent States (CIS). Belarusian workers most frequently leave to work in the Russian Federation, Poland, Lithuania and Czechia.
  11. From 2016 to 2018, a joint initiative of the European Commission and the International Centre for Migration Policy Development, known as MIEUX, was implemented in Belarus with the aim of evaluating the feasibility of acceding to international conventions on the rights of migrant workers. The project led to the adoption of a methodology for feasibility studies and accession mechanisms. This will make it possible to analyse and identify international instruments that are most compatible with national interests and can be incorporated into legislation in the short and long term.
  12. In 2019, Belarus began the domestic procedures for accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.
  13. The President has appointed a national coordinator for achieving the Sustainable Development Goals, who has overseen the establishment of a Sustainable Development Council, with a view to laying the institutional foundations for fulfilment of the 2030 Agenda for Sustainable Development and ensuring general coordination of work to achieve the Sustainable Development Goals.

## **B. Human rights institutions and mechanisms (recommendations 127.15–22, 127.32, 127.37 and 129.20)**

14. Belarus has a well-developed system of specialized bodies bringing together the State and civil society to protect and promote various categories of human rights, including the National Commission on the Rights of the Child; the National Council on Gender Policy; the National Interdepartmental Council on Disability; the Inter-Ethnic Advisory Council; the Interfaith Advisory Council; the National Council on Labour and Social Affairs; the Public Coordinating Council on the Mass Media; and the Public Coordinating Council on the Environment.
15. A bill on the rights and social inclusion of persons with disabilities outlines the tasks of a standing joint body, with the objective of implementing article 33 of the Convention on the Rights of Persons with Disabilities, the National Interdepartmental Council on the Rights of Persons with Disabilities. To enable it to work more effectively and to promote, protect and monitor the fulfilment of the rights of persons with disabilities at the local level, it is proposed to establish permanent local interdepartmental councils on the rights of persons with disabilities. These councils will include representatives of organizations of persons with disabilities.
16. The interdepartmental consultation mechanism and specially established working groups serve to coordinate the implementation of international recommendations. The 2016–2019 inter-agency plan to implement the recommendations accepted by Belarus following the second cycle of the universal periodic review before the Human Rights Council and the recommendations of the treaty bodies, approved by Council of Ministers Decision No. 680 of 24 October 2016, has significantly strengthened joint work and monitoring of the implementation of recommendations.
17. An important role in the protection of human rights is played by the Citizens' and Legal Entities' Appeals Act, No. 300-Z of 18 July 2011, which regulates the procedure for the exercise by individuals and legal entities of their right to petition government bodies

and other organizations with a view to defending rights, freedoms or lawful interests. The Act sets out the rights and obligations of petitioners, the procedure for submitting written, electronic and oral communications, the procedure for organizing a personal appointment, arrangements for the representation of petitioners, the time frames for considering communications and the process for the consideration of different types of communication.

18. Lessons learned from the work of national human rights institutions show that the establishment of such an institution must be accompanied by the allocation of adequate resources for the satisfactory discharge of its mandate.

19. Considering the work of existing public bodies specialized in the protection and promotion of different categories of human rights as well as economic factors, Belarus continues to study international experience of the operation of human rights institutions and consider the possibility and desirability of supplementing its national system with a human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

### **C. Interaction with United Nations human rights mechanisms (recommendations 127.13, 127.14, 127.28, 127.29–35 and 129.21–23)**

20. Belarus fulfils its obligations under the international human rights instruments to which it is a party in good faith. In June 2018, it submitted its combined fifth and sixth periodic reports under the Convention on the Rights of the Child and the two Optional Protocols thereto; in December 2018, it submitted its initial report under the Convention on the Rights of Persons with Disabilities and, in December 2017, its seventh periodic report under the International Covenant on Economic, Social and Cultural Rights.

21. In April 2018, Belarus presented its fifth periodic report to the Committee against Torture, in October 2018, its fifth periodic report to the Human Rights Committee and, in January 2020, its combined fifth and sixth periodic reports to the Committee on the Rights of the Child.

22. Belarus has extended a standing invitation to the following nine special procedure mandate holders: the Special Rapporteur on violence against women, its causes and consequences; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the right to education; the Special Rapporteur on the right to food; the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on the human rights of migrants; and the Special Rapporteur on freedom of religion or belief.

23. Belarus has constructively engaged with the thematic special procedures of the Human Rights Council and has sent a substantive response to all the communications (12) it has received in the period since the second cycle of the universal periodic review.

24. A technical mission from the Office of the United Nations High Commissioner for Human Rights (OHCHR) visited Belarus in October 2017. Since July 2018, a human rights adviser has been working at the Office of the United Nations Resident Coordinator in Belarus. With the adviser's involvement and the support of the entire United Nations country team, Belarus is cooperating with the Organization on human rights on various fronts.

25. From 2017 to 2018, as part of a Council of Europe cooperation programme, Belarus was actively engaged with the Council's Committee on Bioethics (DH-BIO) and carried out joint activities and events that sought to promote the observance, protection and awareness of human rights in the field of biomedicine.

26. The Special Representative of the Secretary-General on Violence against Children, Marta Santos Pais, visited Belarus in November 2018.

27. The Under-Secretary-General and Executive Director of the United Nations Population Fund, Natalia Kanem, visited Belarus in December 2019.

## **D. Interaction with civil society (recommendations 127.23–26)**

28. The authorities interact with civil society in drafting and implementing laws and regulations and in carrying out national policies, strategies and programmes and international technical assistance projects.

29. Pursuant to Act No. 130-Z of 17 July 2018 on Laws and Regulations, public participation in the drafting process for laws and regulations has been expanded by holding public debates, forecasting the impact of their adoption or promulgation and legal monitoring.

30. A special section to host public debate has been created on the Belarus Legal Forum website. Public debate can also occur through parliamentary hearings, in the media or by any other lawful means.

31. Central and local authorities organize public advisory councils and expert councils involving representatives of businesses and business associations.

32. The Ministry of Justice, the Investigative Committee and other government bodies have extended the practice of interaction with civil society organizations, including by organizing round tables, seminars and joint projects with civil society representatives.

33. To ensure participation by the general public in work towards the Sustainable Development Goals, the Sustainable Development Council cooperates with a sustainable development partnership, which has representatives from business, civil society and academia. Regional sustainable development groups are organized in all the provinces.

## **III. Promotion and protection of human rights on the ground**

### **A. Right of the family to protection by society and the State (recommendations 127.76 and 127.77)**

34. Belarus is an active member of the Group of Friends of the Family, which holds thematic meetings at United Nations Headquarters on the subject of the family and issues in which the family is an important consideration, including events to mark the International Day of Families, the International Year of the Family and the Global Day of Parents.

35. At the national level, measures to reinforce family values and raise the profile of the family are included in the Family and Childhood subprogramme of the State Programme on Public Health and Demographic Security in Belarus for the period 2016–2020.

36. To raise public awareness on demographic development issues and advocate for traditional family values and a healthy lifestyle, the Demographic Development Outreach Plan for the period 2018–2020 is being implemented. This plan includes a section on strengthening the family as an institution and traditional family values.

37. Support for the family is a national priority in Belarus. The necessary conditions have been created for children, including children with disabilities, to be brought up within families and an extensive system of government support is in place for families raising children. Government support is provided in all the main areas with a direct impact on family life.

38. The State benefits system includes 11 types of benefits. As at 1 July 2019, the benefits system covered 459,600 children (26.5 per cent of all children); the benefit for the care of children under the age of 3 years covered 92.9 per cent of children in that age group.

39. In families caring for children with the most severe forms of disabilities (the two highest grades of impairment, 3 and 4), the amount of the monthly benefit paid for the care of children with disabilities under the age of 18 years has been increased from 100 per cent to 120 per cent of the per capita subsistence level.

40. Additional payments for the purchase of baby items, amounting to twice the subsistence level, are made when a second child or more children are born.

41. Low-income families and families in difficult circumstances (single-parent, caring for children with disabilities) have access to a system of targeted State social assistance, consisting of monthly and one-off social allowances, free baby food and a social benefit to cover the cost of diapers.

42. In local social services centres (146 in total), a comprehensive approach to resolving family issues is organized through the family support service, which includes a package of advisory, educational, mediation, psychological and other social services.

43. A babysitting service is provided to families caring for two or more children born at the same time until they reach the age of 3 years and families caring for children with disabilities under the age of 18 years.

44. One of the measures taken to help families raising children with disabilities is the provision of respite care by residential children's homes, which is intended to relieve parents from caring for a child with a disability for a set period of time, giving them the opportunity to recuperate and attend to domestic matters.

## **B. Right to social security and right to an adequate standard of living (recommendations 127.38 and 127.87–94)**

45. Currently, 21 State programmes are being implemented in Belarus and work is under way to produce State programmes to further improve the well-being of the population, for the period 2021–2025.

46. Measures are continuously being taken to increase people's incomes: wage increases are ensured and all pensions, benefits and other social payments based on the subsistence level or the national average wage are recalculated.

47. One of the main State guarantees on labour remuneration is the minimum wage, the level of which is set each year on 1 January, taking into account the financial constraints on national and local budgets and employers, employees' needs for goods and services, the employment and productivity rates, projected consumer price inflation and the nominal average monthly wage in the country. Employers are required to use the minimum wage as the lower limit on remuneration for workers. The minimum wage is indexed to inflation over the course of the year. Employers must make a top-up payment to employees whose accrued wages amount to less than the minimum wage.

48. Real wages in Belarus grew between 2014 and 2018 to 115.1 per cent overall and 117.1 per cent in State-funded organizations.

49. State pension provision is an important part of the social protection system. There are two main pension schemes: occupational pensions (based on insurance contributions) and social pensions (non-contributory).

50. The State pension covers almost every resident of the country without the capacity to work.

51. The proportion of the population above statutory pensionable age receiving a pension was 97 per cent in 2018 (coverage of men stood at 96.5 per cent and coverage of women at 97.3 per cent) (Sustainable Development Goal indicator 1.3.1.1).

52. Almost no pensioners are now classed as poor: less than 1 per cent of recipients have a pension lower than the subsistence level for a pensioner (0.6 per cent in 2018 and 2019). The average old age pension in 2018 and 2019 was approximately 2.2 to 2.4 times the subsistence level for a pensioner.

53. As a result of the measures taken, in the second quarter of 2019, the poverty level stood at 4.9 per cent, which amounts to approximately 480,000 persons.

## **C. Right to work and right to favourable conditions of work (recommendations 127.84 and 127.85)**

54. Ensuring that anyone who wants and is able to work has the opportunity to find suitable employment is the most important objective of public policy on employment.

55. Employment-related issues are dealt with through measures under the annual Employment Promotion subprogramme of the State Programme on Social Protection and Employment Promotion for 2016–2020.

56. The primary purpose of the labour, employment and social protection authorities is to make targeted efforts to help unemployed persons find permanent work. Job fairs and business open days are organized in order to familiarize unemployed persons, including women and young persons, with labour market conditions and help them to actively seek permanent work. From 2015 to 2018, 415,000 unemployed persons, including 141,900 women, were helped to find permanent work.

57. The most effective way to mitigate the social consequences of unemployment is to retrain unemployed persons in new occupations, based on employer demand, and give them the opportunity to set up their own businesses. Vocational training is offered for more than 120 occupations. From 2015 to 2018, 37,400 persons, including 13,200 women, underwent vocational training.

58. The State provides additional guarantees on employment assistance for citizens who are specially in need of social protection and are not able to compete on the labour market on an equal footing, including: children who are orphans or deprived of parental care and adults who grew up as orphans or deprived of parental care; single parents, parents of large families and parents of children with disabilities; persons with disabilities; persons released from prison; persons under the age of 21 years looking for their first job; and persons approaching retirement age.

59. Additional guarantees on employment assistance are offered: employment quotas for persons with disabilities; the creation of additional jobs and specialized organizations; occupational guidance services; training, retraining and professional development for persons with disabilities; vocational rehabilitation for persons with disabilities; and help with adaptation to work for persons with disabilities.

60. State guarantees for persons with mental disorders (illnesses) on employment assistance, access to education compatible with their health and cognitive functioning at all levels of basic and supplementary education and other social adjustment measures are enshrined in Act No. 349-Z of 7 January 2012 on Mental Health Care.

61. Approximately 4,500 persons with disabilities register with the public employment service for employment assistance each year. Over the past four years, 23,000 persons with disabilities have been registered. In 2014, the number was 4,200, in 2015 it was 4,800, in 2016 it was 4,800, in 2017 it was 4,700 and in 2018 it was 4,500. From January to September 2019, 3,100 persons with disabilities applied.

62. From 2015 to 2018, employment assistance was provided to 9,300 persons with disabilities (2,500 in 2015, 2,000 in 2016, 2,300 in 2017 and 2,500 in 2018). From January to September 2019, employment assistance was provided to 1,700 persons with disabilities.

63. Persons with disabilities are given priority in the provision of vocational training. During training, unemployed persons are paid a grant and given material support if necessary. From 2015 to 2018, 1,085 persons with disabilities (202 in 2015, 297 in 2016, 301 in 2017 and 285 in 2018) were referred for vocational training. From January to September 2019, 182 persons with disabilities were referred.

64. The labour, employment and social protection authorities provide guidance and practical assistance to support persons with disabilities in their business initiatives. From 2015 to 2018, 122 persons with disabilities (21 in 2015, 24 in 2016, 23 in 2017 and 54 in 2018) received a grant to set up their own business. From January to September 2019, the number was 28.

65. The employment-related measures taken have enabled the country to maintain a low level of registered unemployment, not exceeding 1 per cent of the total labour force. At the end of November 2019, the registered unemployment level was 0.2 per cent.

66. Presidential Decree No. 3 of 2 April 2015 on employment promotion is currently in force in Belarus.

67. The main aim of the Decree is the creation in the regions of more favourable conditions for the employment and self-employment of citizens. To this end, it is envisaged

that the local authorities will step up their work to stimulate the labour market and help unemployed citizens find jobs.

#### **D. Right to the highest attainable standard of physical and mental health (recommendations 127.95–99)**

68. The health system in Belarus has retained its public status and provides free high-quality medical care, thus helping to uphold the constitutional right to health of citizens.

69. For prevention and healthy lifestyle promotion, various health days are organized, including the International Day against Drug Abuse and Illicit Trafficking, International Day of Families, World No-Tobacco Day, Alcoholism Prevention Day, World Health Day and anti-tobacco information campaigns.

70. For public outreach work, active use is made of the web portal of the Ministry of Health, called Healthy People (24health.by), the teenage.by web portal, intended for a youth and teenage audience, and social media.

71. A national preventive health-care project for students of higher education institutions, entitled “My lifestyle today is my health and success tomorrow”, is being implemented. More than 160 preventive projects are being carried out in preschool, primary, secondary and higher educational establishments.

72. There are 48 adolescent- and youth-friendly centres operating at children’s health clinics.

73. A set of measures to prevent suicidal behaviour in Belarus for the period 2015–2019 are being implemented with a view to preventing suicide among young people. Training has been organized for specialists from schools and specialized secondary establishments on the early identification of risk factors and warning signs for suicide in children.

74. The education system is making continuous efforts to actively promote healthy lifestyles and sport through the Internet, social networks and print and electronic media. The websites of educational establishments host teaching materials, promotional and public service films advocating for healthy lifestyles and sport, and advertisements for healthy lifestyles and mass participation and other sporting events.

75. The HIV Prevention subprogramme of the State Programme on Public Health and Demographic Security in Belarus for the period 2016–2020 is aimed at ensuring universal access to HIV diagnosis, treatment, care and social support, prevention of the spread of HIV among key population groups and prevention of mother-to-child transmission.

76. All persons living with HIV in the country receive treatment, regardless of the clinical stage of their infection or their CD4 lymphocyte count. Treatment is being received by 80.5 per cent of persons living with HIV (17,350 of 26,000).

77. The rate of vertical transmission of HIV has not exceeded 2 per cent for a number of years. In June 2016 at United Nations Headquarters, the World Health Organization (WHO) presented Belarus with a certificate establishing the elimination of mother-to-child transmission of HIV and syphilis. Belarus was the first country in Europe to receive such WHO validation.

78. An assisted reproductive technology laboratory offers sperm washing for HIV-positive men in order to reduce the risk of vertical transmission and HIV infection among serodiscordant couples.

79. Belarus provides for 100 per cent coverage of testing (mass screening of newborns) for phenylketonuria and hypothyroidism. Since 2019, a trial has been under way on the addition of cystic fibrosis tests to the screening programmes for diagnosis of congenital conditions.

80. By 2018, the infant mortality rate in Belarus had decreased to 2.5 per 1,000 live births (compared with 3.5 in 2013). The under-5 mortality rate also fell in 2018, to 3.4 per 1,000 live births (from 4.6 in 2013). The survival rate for extremely low birth weight infants at one year of life had increased by 2018 to 81.5 per cent (compared with 74.0 per cent in 2013).



81. The mortality rate for children aged under 18 decreased to 28.1 per 100,000 population in 2018 (in 2013, it was 45.6).
82. Over the period 2013–2018, the mortality rate for children under 18 dying as a result of accidents, injuries or poisoning decreased by a factor of 1.8.
83. A strategy to prevent childhood injuries has been developed and approved and the Coordinating Council on the Prevention of Childhood Injuries has been established.
84. Belarus is thirty-fourth of 176 countries in the index published by international charity Save the Children on the countries with the happiest childhoods.
85. The country has a fairly high infertility rate of up to 14 per cent. The use of assisted reproductive technology (including in vitro fertilization) has limited but significant scope for increasing the birth rate. The pregnancy success rate is 43 per cent.
86. Men's health services are being developed and family planning counselling is organized; provision has been made for the early identification of conditions underlying infertility and the examination and treatment of infertile couples.
87. In Belarus, 100 per cent of women have access to prenatal and postnatal health care. Ultrasound screening is carried out on 97 per cent of expectant mothers, which makes it possible for more than 1,500 congenital anomalies to be identified each year. All pregnant women are tested for congenital infections and HIV.
88. Almost 100 per cent of births are attended by skilled health personnel. Maternity hospitals apply the rooming-in system and support breastfeeding.
89. Women in Belarus have the right to decide for themselves whether to become mothers. In 2018, the abortion rate was 10.5 per 1,000 women of reproductive age. Pre-abortion counselling helps more than 20 per cent of women decide to keep their child.
90. In 2018, the maternal mortality rate in Belarus was 3.2 per 100,000 live births (in 2013, there were no recorded maternal deaths). Belarus has one of the lowest maternal mortality rates in the world.

## **E. Right to education (recommendations 127.100–105)**

91. In Belarus, a socially oriented public policy on education is implemented, based on: the principles of the primacy of universal human values, human rights and a humanistic approach to education; upholding of the constitutional right to education for everyone; equal access to education; and integration into the global educational environment combined with preservation and development of the traditional national education system.
92. The right to receive an education, including free preschool education in public educational institutions, is enshrined in the Constitution and the Education Code.
93. The Marriage and Family Code sets forth the rights of children to particular, preferential and priority care, both from their parents and the State, and provides for the protection of their rights regardless of origin, racial, ethnic or national affiliation, social or property status, sex, language, education, attitude to religion, place of residence, health or any other circumstances relating to children and their parents.
94. The Ministry of Education has prepared a conceptual framework for the development of the education system in Belarus until 2020, looking ahead to 2030, which sets out promising avenues of exploration for progress in the sector.
95. As at the 2019/20 academic year, Belarus has 3,798 educational establishments, including 2,490 preschools, offering preschool education to more than 436,000 children (in rural areas, there are 1,692 educational establishments, including 886 preschools, for 58,833 children) and 3,035 general primary and secondary schools with 1,010,400 students.
96. A plan of action for ensuring access to preschool education (construction of 8 preschools with 1,665 places, the opening of 367 short-stay preschool groups with 3,173 places, arrangements for 68 preschool age children to attend private educational establishments, etc.) and other measures have paved the way for the creation in 2019 of additional places in preschools, including in rural areas, for 6,631 children of early years and preschool age.

97. The measures taken have led to an increase in coverage for children between the ages of 3 and 6 years, from 94.7 per cent in 2015 to 98.3 per cent in 2019 (in rural areas, the increase was from 66.2 per cent to 69 per cent).

98. In 2020, it is planned to build 13 preschools with 2,780 places and introduce alternative forms of preschool education by putting 5 establishments with 113 places on the ground floor of residential buildings, establishing 65 short-stay preschool groups with 780 places and opening 2 private establishments.

99. Since January 2019, the opportunities for persons deprived of their liberty in correctional institutions to receive specialized secondary and higher education through distance learning and also supplementary education have been established in law (Act No. 171-Z of 9 January 2019, amending various codes).

## **F. Rights of the child (recommendations 127.19, 127.78 and 129.9)**

100. The legal status of children as individual persons is set out in Act No. 2570-XII of 19 November 1993 on the Rights of the Child. The Rights of the Child Act is based on the provisions of the Convention on the Rights of the Child and other international instruments on the promotion and protection of children's rights.

101. On 11 May 2016, the Act was amended in order to fulfil the international obligations of Belarus to protect children from information and material injurious to their well-being and set due restrictions on the dissemination of information that contains violence or brutality, encourages drug-taking or is of a pornographic nature.

102. The right to education of Belarusian citizens is ensured by a number of factors, including the creation of the right framework for education based on national traditions, individual needs and student abilities.

103. In order to identify children who are not attending school and take steps to ensure they are provided an education, local authorities keep a register of children. This register covers all children up to the age of 18, including foreign nationals and stateless persons who have permanent or temporary residence status in Belarus.

104. Roma children receive education on the same basis as others in Belarusian general and vocational educational establishments. All requirements under the laws and regulations on general and vocational education apply to them.

105. If Roma children did not complete their lower or upper secondary education in due time for specific reasons (failure to attend school, failure to take exams at the end of Years 9 and 11, early marriage, etc.), they have the option of receiving an education (lower or upper secondary) as external students.

106. Specialized secondary education and higher education are accessible to all according to their individual abilities. Everyone can receive free education on a competitive basis in public educational institutions.

107. The fostering system, in which foster families care for children who for various reasons can no longer be looked after by their birth families, continues to be developed and improved. A network of social service educational centres, providing comprehensive support to families caring for children, has been established. The network comprises 142 social service educational centres, including 3 centres opened in 2019 that perform, as one of their services, analysis of areas for improvement in the family placement of children.

108. Support is provided to children during their stay with a foster family and at the time of placement in order to facilitate the children's well-being. Educational psychologists at residential children's homes prepare children for their move to a foster family and to adapt to changed living conditions. To maintain the children's attachment to their birth family, foster parents, together with the children, keep a life story book, which contains photos of the child's parents and other relatives.

109. It is not permitted to separate birth siblings. A network of family type children's homes, fully endowed with the necessary equipment, furniture and bedding, has been established to enable children from large families to be cared for in a family setting. Special housing units are provided for the children cared for in family-type children's homes and

the families caring for them, which come from public housing stock and are funded entirely from local government budgets.

### **G. Rights of persons with disabilities (recommendations 127.39, 127.106, 127.107 and 127.109–111)**

110. The national plan of action to implement the Convention on the Rights of Persons with Disabilities for the period 2017–2025 was adopted on 13 June 2017. It is a strategic document, pooling and coordinating the efforts of government bodies and agencies and civil society organizations to give effect to the Convention in Belarus.

111. A bill on the rights and social inclusion of persons with disabilities has been developed. The working group responsible for drafting it included representatives of organizations of persons with disabilities. At the request of Belarus, OHCHR invited an international expert on the rights of persons with disabilities to analyse the bill and submit proposals. The bill is currently before the House of Representatives, the lower house of the National Assembly.

112. The bill includes the definition of terms used in the Convention but not present in national legislation. Its focus is on the social aspect, meaning the participation of persons with disabilities in society on an equal basis with others.

113. Based on the provisions of the Convention, the bill enshrines the rights of persons with disabilities and sets standards for public policy on the rights and social inclusion of persons with disabilities and the prevention of disability. An entire article is devoted to the prohibition of discrimination on the ground of disability and the rights of persons with disabilities in emergency situations are guaranteed. Measures to foster respectful social attitudes to the rights and dignity of persons with disabilities are envisaged.

114. The bill contains a chapter on education, which, among other provisions, covers inclusive education and introduces employment quotas for persons with disabilities. The new quota comes in addition to the already existing recruitment quotas.

115. Awareness-raising work is carried out among the general public to explain the comprehensive national policy on persons with disabilities.

116. Regulations have been developed on cooperation of health-care organizations with the media, pursuant to which the problems of persons with disabilities are covered during press conferences, round tables, the television and radio appearances of health-care specialists, the publication of articles in the press and written question-and-answer sessions.

117. In 2017, an information strategy for the full inclusion of persons with disabilities in society and recommended standards for information materials on the subject of the problems of persons with disabilities were developed. The standards for information materials on the subject were developed in 2018, in cooperation with organizations of persons with disabilities. The Ministry of Information held seminars in each region to explain why journalists should use these standards when covering the subject of persons with disabilities.

### **H. Rights of women (recommendations 127.40–49 and 127.83)**

118. The national plan of action to ensure gender equality for the period 2017–2020 is the fifth policy document intended to help ensure equal rights and opportunities for men and women, including improvements to legislation and its practical application. The plan has the aim of mainstreaming gender in the process of developing and implementing public policy measures in all areas, by establishing mechanisms such as the gender analysis of legislation, the incorporation of a gender perspective in the development of national programmes and strategies and the inclusion of anti-discrimination rules in the legislative framework. An important step forward is that each action in the plan has been given an outcome or indicator linked to the targets of Sustainable Development Goal 5.

119. The actions of the plan are funded from the resources set aside in national and local budgets for the relevant goals and from extrabudgetary and other sources not prohibited by law.

120. The current plan is based in many respects on the recommendations of the Committee on the Elimination of Discrimination against Women, issued following the review of the eighth periodic report of Belarus in October 2016.

121. State programmes focused on various aspects of women's advancement, including issues related to health, education, social protection, the right to work and participation in public and political life, are in force.

122. The Government's National Council on Gender Policy, which has been operating continuously since 2000, is responsible for coordinating efforts to achieve gender equality made by all actors, including civil society and international organizations. The National Council is headed by the Minister of Labour and Social Protection. Its members come from the legislative, executive and judicial branches of government, local authorities, academia, civil society and international organizations.

123. The State empowers women to fulfil their full potential. According to the *Human Development Report 2019*, Belarus is one of 22 countries in the world where the Human Development Index for women is equal to or greater than the equivalent indicator for men (Gender Development Index value = 1.010). In the ranking of the *Global Gender Gap Report 2020* of the World Economic Forum, Belarus is twenty-ninth of 153 countries.

124. Such high indicators for the country are a result of gender parity in education, increased participation by women in decision-making, high labour market participation by women and continuous improvements in women's health, including reproductive health.

125. In Belarus, 52.5 per cent of undergraduate and post-graduate students in higher education institutions are women. Among the teaching staff at such institutions, 55.1 per cent are women.

126. The proportion of employed women who have higher education is 38.1 per cent, while the equivalent indicator for men stands at 28.2 per cent.

127. Positive changes have occurred in increasing women's economic independence and empowering them to fulfil their socioeconomic potential. The allocation of grants for setting up a business has become an effective mechanism in developing female entrepreneurship. Increasing numbers of unemployed women are receiving a grant to start their own businesses (from 34.8 per cent in 2009 to 44.3 per cent in 2018).

128. In the past seven years, female unemployment has been on a downward trend. Female unemployment is lower than male. Of the total number of unemployed persons in 2018, 63.2 per cent were men and 36.8 per cent were women. The female unemployment rate according to International Labour Organization (ILO) criteria was 3.6 per cent (male unemployment was 4.7 per cent) in August 2019, compared to 4.2 per cent (7.5 per cent for men) in 2016.

129. In Belarus, there is no de jure (direct) or de facto (indirect) discrimination against women in pension provision. In order to guarantee a source of income in the event of a work disability, the country has a programme of occupational pensions (based on insurance contributions) and social pensions (non-contributory).

130. Almost all older women are covered by the State pension scheme under these programmes: the proportion of women above statutory pensionable age receiving a pension was 97.3 per cent in 2018. In addition to their pension, older women receive income support bonuses and supplements when they reach the ages of 75 and 80 years or in connection with their health (if they are determined to have a category I disability).

131. Owing to the measures taken in the country, almost no female pensioners are classed as poor: in addition to the fact that the general proportion of recipients with a pension lower than the subsistence level is consistently lower than 1 per cent (0.6 per cent in 2018), a majority of those receiving the lowest pensions are men (56.3 per cent).

132. An important criterion for the achievement of gender equality is the level of participation by women in government and in political and public life. The Electoral Code does not contain any exemptions or restrictions based on gender, either for voters in elections and referendums or for candidates for elected office.

133. The lack of legally mandated electoral quotas for women gives political parties, voluntary associations and employee associations the freedom to put forward any number of female candidates.

134. In Belarus, the target of 30 per cent representation of women in decision-making positions set by international instruments has been achieved.

135. As at 1 January 2020, the seventh National Assembly was 40 per cent female in the House of Representatives and 25 per cent female in the Council of the Republic.

136. Women constitute a majority of public sector employees: 67.4 per cent of employees at all levels and 56.2 per cent of heads or deputy heads of organizations.

137. In the regulatory process for matters of employee remuneration, the ban on the restriction of labour rights or the granting of any preferences based on sex is fully upheld. Employee wage rates do not depend on sex or age.

138. Women with the same qualifications as men are entitled to receive equal pay for equal work, all other things being equal. Moreover, women with a higher level of education than men are entitled to occupy more senior positions, carry out more complex and higher-level work and receive a higher salary.

139. Labour legislation contains a number of guarantees for women in employment. For example, under article 16, subparagraph (6), of the Labour Code, it is prohibited to refuse without cause to conclude an employment contract with a woman on the grounds that she is pregnant or has children under the age of 3 years or is a single mother to a child under the age of 14 years (for children with disabilities, the age is 18 years). The refusal to conclude an employment contract may be challenged in court.

140. To further improve legislation on labour relations, including in connection with child-rearing, the Labour Code was amended in 2019 (the amendments enter into force on 28 January 2020) to provide paternity leave to fathers and step-fathers.

## **I. Combating domestic violence (recommendations 127.53–62)**

141. Act No. 122-Z of 4 January 2014 on the Principles of Crime Prevention includes definitions of the terms “domestic violence” and “family members” and provides for concrete measures to protect the victims of domestic violence such as restraining orders that prohibit offenders from searching for, harassing, visiting or contacting a victim of domestic violence. The Act lays down the basic principles of preventing such offences through awareness-raising on domestic violence prevention and professional training for specialists.

142. In 2018, a provision (article 9.1) was added to the Code of Administrative Offences, criminalizing the violation of such orders. Provisions have been added to the Code of Criminal Procedure in order to expand the grounds for imposing administrative sanctions for acts of violence under article 9.1 of the Code in the absence of a statement by the victim (victim’s claim).

143. In 2019, article 342<sup>1</sup> (Advocating suicide) was added to the Criminal Code to remedy a gap in legal regulation, namely to criminalize incitements that do not result in a suicide or attempted suicide.

144. Although the provision is of a general nature and is not aimed exclusively at child protection, it was introduced because of the rise of new forms of criminal acts that affect the way children think and behave and were not covered under other provisions of the Criminal Code. On multiple occasions, minors have fallen victim to “death groups” on social media, in which they took part in games that involved following the instructions of a “curator” to perform acts of self-harm and suicide.

145. With a view to further legislative improvements in this area, the draft legislation plan for 2020 provides for the drafting of a bill to amend laws on crime prevention, intended, among other things, to further develop the system of domestic violence prevention measures.

146. The National Plan of Action to Improve the Situation of Children and Safeguard Their Rights for the period 2017–2021 contains measures intended to improve the system for protecting children from violence and increase inter-agency cooperation in the

prevention of child abuse and domestic violence and provides for additional measures to prevent violence against minors and the dissemination of child pornography and for the development of a free emergency assistance service for child victims of violence and abuse, including a network of telephone hotlines.

147. As part of a joint technical assistance project, in cooperation with the International Organization for Migration (IOM) office in Belarus, public information films have been produced on the subjects of preventing sexual violence against children and child safety on the Internet. The films are intended to draw public attention to the issue of sexual violence against children and the possibility to discuss issues of safeguarding children from sexual abuse over the free telephone hotline, 8 801 201 5555. The films are broadcast by central and regional television and radio companies.

148. Moreover, the United Nations Children's Fund (UNICEF) office in Belarus provided financial support for the development of a forum for seeking help and vital information about sexual violence and the exploitation of children, hosted on the website pomogut.by.

149. Teaching materials have been developed for a professional training course called "The psychology of violence: medical and social aspects – psychotherapeutic and rehabilitation methods for victims of violence". A textbook has been published on the provision of psychological and psychotherapeutic help to victims of violence in the health-care system.

## **J. Combating trafficking in persons and protecting refugees and migrants (recommendations 127.63–73, 127.86 and 127.112)**

150. Belarus is a party to all the universal instruments of the United Nations on combating human trafficking and to the Council of Europe Convention on Action against Trafficking in Human Beings; it helped to draft the CIS model laws on combating human trafficking and assistance to trafficking victims.

151. The national legislation on trafficking in persons deals with issues such as employment and study abroad, international adoption, tourism, and marriage and modelling agencies. The concept of "trafficking in persons" is established in law and victim protection and rehabilitation measures have been defined.

152. The law enforcement authorities work successfully to identify, suppress and detect incidents of trafficking in persons and related offences and to prosecute the perpetrators. Between January and September 2019, 74 trafficking-related offences covered under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, were identified, including 43 serious offences.

153. The number of identified trafficking victims is 90, including 17 minors. All the victims had been subjected to sexual exploitation. The number of victims inside the country was 76, while the remaining 14 had been trafficked or were intended to be trafficked abroad.

154. A national mechanism to identify victims of trafficking in persons and refer them for rehabilitation is up and running in Belarus.

155. Victim rehabilitation services are among the functions of the local social services centres (146 in total) and the municipal family and children's social services centres in Homiel and Minsk. These centres also provide assistance to victims of domestic violence.

156. A network of 24-hour crisis rooms is in operation to increase access to temporary shelter services. As at 1 January 2019, 132 crisis rooms were available. In 2018, 679 persons stayed in a crisis room, including 4 victims of trafficking in persons.

157. Applicants receive social services: temporary accommodation, psychosocial, information and advisory services and humanitarian assistance. Applicants are also referred for vocational training and given help to find work.

158. The temporary shelter service is provided free of charge to victims of trafficking in persons.

159. In the international arena, Belarus is continuing its efforts to encourage joint, comprehensive work to combat trafficking in persons. Belarus submitted a resolution on improving the coordination of efforts against trafficking in persons, which was adopted by the General Assembly. In the resolution, adopted in 2019, the important contribution of regional organizations and mechanisms is recognized and a call is made for the exchange of experience through meetings with national mechanisms on trafficking in persons.

160. In 2017, a high-level meeting of the General Assembly on the appraisal of the United Nations Global Plan of Action to Combat Trafficking in Persons took place. Belarus has launched thematic reports by the United Nations Office on Drugs and Crime (UNODC) on the global trafficking situation.

161. Belarus continues to coordinate the joint efforts of the Group of Friends United against Human Trafficking. The Group interacts with United Nations funds, programmes and specialized agencies under the auspices of the Inter-Agency Coordination Group against Trafficking in Persons.

162. The International Training Centre at the Academy of the Ministry of Internal Affairs regularly holds national and international training events for law enforcement personnel and other government employees on the identification and support of victims of trafficking in persons and on combating trafficking in persons and other related offences. Such events are organized jointly with IOM, UNICEF, UNODC, OHCHR, the Organization for Security and Cooperation in Europe (OSCE) and other partners.

163. Belarus is a committed and consistent supporter of the prohibition and elimination of forced labour and is a party to the fundamental ILO conventions on forced labour.

164. Article 41 of the Constitution prohibits forced labour, except for work or service required by a court sentence or in accordance with a law proclaiming a state of emergency or war. The definition of forced labour according to article 13 of the Labour Code is work exacted from a worker under the menace of any kind of coercion, including: as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system; as a method of mobilizing and using labour for purposes of economic development; as a means of labour discipline; or as a punishment for having participated in strikes.

165. Forced labour does not include work carried out as a consequence of a conviction in a court of law under the supervision of the public authorities responsible for upholding the rule of law during the execution of sentences or work carried out pursuant to the law on military service or emergencies.

166. The national asylum system is based on the internationally recognized concept of asylum. An adequate legal framework has been adopted, the government agencies responsible for matters of forced migration have been specified and the necessary infrastructure to receive forced migrants is in place. In the first half of 2019, nationals of 17 States applied for protection. The number of applicants had decreased by 22.8 per cent compared with the same period in the previous year (352 in the first half of 2019, 456 in the equivalent period of the previous year).

167. All foreigners entering the country who have fears about returning to their State of nationality or previous habitual residence are guaranteed access to the country and the procedure for the consideration of applications for refugee status, complementary protection or asylum.

## **K. Equality and freedom from discrimination (recommendations 127.36, 127.50 and 129.24–27)**

168. The principle of equality is enshrined in the Constitution and the overwhelming majority of laws (such provisions are directly applicable).

169. National legislation is neutral in terms of discrimination, since it does not assign privileges to any particular group based on the presence or absence of any characteristic that is not objectively justified.

170. Belarus has 380 laws currently in effect: 12 laws contain an explicit prohibition of discrimination, 52 laws stipulate the equality of citizens regardless of any distinguishing characteristic, 91 laws provide for the rights of citizens in specific legal relations without restriction, 195 laws do not include protection from discrimination owing to the specific legal matters they cover (for example, budget laws) and 30 laws do not provide for protection from discrimination.

171. In recent years, several pieces of legislation have been amended (or new laws adopted) to include an open list of grounds on which discrimination is prohibited (including the Labour Code, Act No. 153-Z of 1 July 2010 on the Provision of Psychological Assistance and Act No. 305-Z of 18 July 2004 on Notaries and Notarial Activities).

172. Violation of the constitutional principle of equality is a criminal offence under protective legislation. Article 130 of the Criminal Code prohibits the incitement of racial, ethnic, religious or other social hatred or enmity. Article 190 of the Code criminalizes the intentional direct or indirect violation or restriction of rights and freedoms or the conferment of direct or indirect advantages for citizens on the basis of sex, race, ethnicity, language, origin, property or professional status, place of residence, attitude to religion, beliefs or membership of voluntary associations, when this results in substantial harm to the rights, freedoms and lawful interests of citizens.

173. This shows that the great danger to society posed by acts involving certain discriminatory grounds is recognized in national legislation.

174. Administrative penalties can be imposed for violations of the positive discrimination rules applicable to certain categories of persons (Code of Administrative Offences, arts. 9.15 and 9.16).

175. Pursuant to the fourth paragraph of article 14 of the Labour Code, persons who believe that they have been subjected to discrimination in employment relations have the right to bring action before the courts to end the discrimination.

176. In 2018, the courts of general jurisdiction of Belarus tried 9,162 civil cases involving labour disputes (10,619 in 2017 and 12,843 in 2016).

177. More than 80 per cent of claims seeking payment of wages were granted, as were more than 30 per cent of claims for reinstatement, more than 93 per cent of compensation claims for property damage caused by workers in the course of their duties and more than 60 per cent of claims in other types of labour disputes.

## **L. Civil and political rights (recommendations 127.80–82, 129.94 and 129.95)**

178. The legislation of Belarus does not contain any restrictions on the participation of opposition parties in elections. The necessary organizational and practical measures are taken to ensure that all elections are free and fair.

179. The 2015 presidential elections in Belarus were held on a competitive basis: four candidates stood for election, including the current President. These were the first presidential elections in Belarus with a female candidate, who was representing a social movement. Two candidates were the leaders of political parties: the Liberal Democratic Party and the Belarusian Patriotic Party.

180. The electoral campaigns (presidential, parliamentary and local) of 2015 to 2018 took place in a peaceful environment, with no violations that affected the outcomes and no danger to the personal safety of the candidates.

181. The candidates were able to campaign freely, exercising both their legal right to free appearances and the publication of manifestos in the State media and their right to hold campaign events paid for with their own electoral funds.

182. During the 2015 presidential elections, 982 foreign (international) observers were accredited in the country, including 344 from the OSCE Office for Democratic Institutions and Human Rights, 68 from the OSCE Parliamentary Assembly and 65 foreign diplomatic representatives. After many years of absence, observers from the Parliamentary Assembly of the Council of Europe took part in the monitoring.



183. Following the 2015 presidential elections, the President ordered the establishment of an inter-agency expert working group under the Central Commission on Elections and National Referendums to consider the recommendations on improvements to the electoral process issued by the OSCE Office for Democratic Institutions and Human Rights.

184. In 2017, the inter-agency expert working group drafted and submitted to the Head of State proposals to improve electoral legislation, although they have not yet been implemented. Moreover, before the 2016 and 2019 parliamentary elections and the 2018 local elections, measures were taken to improve application of the law, with a view to making the composition of electoral commissions more transparent and their work more open, increasing opportunities for the observation of electoral procedures, including the counting and tabulation of votes, and enhancing the freedom to organize public campaign events. Measures to enable persons with disabilities to participate in elections are being implemented and modern information and communications technology is being used to improve voter awareness.

#### **M. Inter-ethnic and interfaith relations (recommendations 129.55 and 128.1)**

185. Public policy on interfaith relations is implemented in accordance with Act No. 2054-XII of 17 December 1992 on Freedom of Conscience and Religious Organizations. The Act ensures and guarantees the right of everyone to freedom of conscience and freedom of religion, social justice, equality, protection of rights and interests irrespective of attitude to religion or religious affiliation and freedom of association in religious organizations. Ethnicity and attitude to religion are not shown on official documents. The appropriate legal conditions are in place to ensure and maintain religious tolerance, peace and respect in Belarus.

186. Belarus has 25 registered faiths and denominations. The total number of religious organizations is currently 3,550, which includes 175 faith-based organizations (religious associations, monasteries, missions, brotherhoods and sisterhoods and religious schools) and 3,375 religious communities.

187. A programme for the development of the religious sphere, ethnic relations and cooperation with Belarusians abroad for the period 2016–2020 is being implemented and is focused on the regulation of religious life, the preservation in society of interfaith and inter-ethnic peace and harmony and the development of interactions between public authorities and religious organizations for cooperation in areas in the public interest.

#### **N. Right to life, liberty and security of person (recommendations 129.29 129.30, 129.33, 129.37 and 129.38)**

188. Belarus is following the global trend towards phasing out the death penalty. Belarusian law provides for tighter restrictions on the use of the death penalty than is provided for by international law, in particular article 6 (5) of the International Covenant on Civil and Political Rights. The death penalty may not be imposed on criminal offenders less than 18 years of age, any women, or men who are at least 65 years of age when the sentence is handed down.

189. In accordance with the Constitution, the death penalty is a temporary and exceptional measure. Pending its abolition, the death penalty may be used pursuant to a court judgment as an exceptional punishment for certain especially serious offences involving intentional deprivation of life in aggravating circumstances.

190. The parliamentary working group on the study of the death penalty as a punitive measure in Belarus continues to operate. Members of the group are involved on an ongoing basis in social and political events concerning the death penalty.

191. In 2017 and 2018, the working group held two expanded meetings, attended by representatives of international organizations, the diplomatic corps and Belarusian government agencies and voluntary associations. On 18 April 2018 in Minsk, a round table was held on legal aspects of the potential abolition of the death penalty, organized by the

Council of Europe and the parliamentary working group with the participation of the public authorities and civil society and international experts.

**O. Right to be treated with humanity and right to protection against torture (recommendations 127.51, 127.52, 129.67 and 129.89)**

192. In accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, effective legislative, administrative, judicial and other measures to prevent acts of torture are taken in Belarus.

193. The Supreme Court collects statistical data and analyses and monitors judicial practice for the purpose of preventing torture and ill-treatment.

194. A review of the statistics on complaints and reports from accused persons about the use of unlawful pretrial investigation methods in 2018 showed that such complaints are isolated.

195. It was not necessary to interrupt the criminal proceedings in order to look into the allegations made in the complaints that had been received; this was done by the competent authorities in parallel with the proceedings.

196. From the checks carried out, it can be concluded that the prosecution authorities generally used legal means of exerting influence on accused persons and adopted pretrial investigation tactics developed in the fields of criminal psychology and forensics.

197. The use of advanced information and communications technology in the work of the investigative authorities is being more widely introduced in Belarus. One of the most effective ways of ensuring objectivity and reliable recording of the course and outcome of a pretrial investigation is video recording, which helps to eliminate doubts, including those regarding the use of unlawful pretrial investigation methods.

198. In 2019, the concept of replacing the presence of official witnesses with audio and video recordings for certain investigative actions was added to criminal procedural law. This substitution is also possible in the conduct of police line-ups, crime re-enactments and verification of statements at the crime scene.

199. A possible change in the law is currently being discussed, under which it would be mandatory to use audio and video recording when questioning victims and witnesses under the age of 14 years, to reduce the number of psychologically traumatic situations.

200. Civil society representatives acting as members of public monitoring commissions ensure that the human rights of persons who are serving sentences in places of detention are observed. Every year, representatives of public monitoring commissions conduct visits to between 25 and 30 institutions of the national penal correction system.

201. The work of the monitoring commissions is independent of the Penal Enforcement Department of the Ministry of Internal Affairs and the Ministry of Justice. Public monitoring commissions make their own decisions about which penal correction institutions to visit and when, and what conclusions and recommendations to issue.

202. The monitoring commissions are established by civil society without any government interference. Candidates for membership of the monitoring commissions are proposed by civil society organizations. Subsequently, the monitoring commissions themselves make collective decisions regarding changes to their membership.

203. The Penal Enforcement Department continuously carries out awareness-raising work among citizens to draw attention to information about modes and forms of protection for their legal rights and interests. In 2018, the Department registered and examined 187 communications from citizens concerning unlawful acts by officers of agencies and institutions of the penal correction system and secure substance abuse recovery clinics. All reports and complaints concerning misconduct committed against citizens are carefully reviewed and investigated, in strict compliance with the national law.

**P. Right to a fair trial (recommendations 127.74, 127.75, 128.2 and 129.51–53)**

204. The independence of judges is ensured by the procedure prescribed by law for their appointment, suspension and removal from office, their personal immunity, the procedure for the consideration of cases and matters, professional secrecy with regard to their deliberations and a prohibition on requests for disclosure of information on them, liability (including criminal liability) for contempt of court or interference in the court's activities and other guarantees of a judge's status and the requisite organizational and technical conditions for the work of the courts.

205. The judiciary fully guarantees the correct and consistent application of the law to the legal relations existing in society and also addresses issues related to the development of court infrastructure and improvement of the legislation on which judicial activity is based.

206. The judicial system is equipped with information technology in line with modern standards. An objective has been set of digitizing the work of the provincial courts and the Supreme Court by September 2020 and the entire judicial system by 2022.

207. It is planned for a publicly accessible database of court rulings to be in operation by the end of 2020.

208. Several procedural improvements are at the development stage: the further development of appeals in criminal proceedings, the introduction of an appeals procedure to review first-instance verdicts and decisions of the Supreme Court, improvements to the procedure for considering complaints and protests against final court rulings, and the improvement and development of mediation, arbitration and other types of alternative dispute resolution.

209. Since the establishment in 2014 of a single system of courts of general jurisdiction, the judicial authorities have been covered by a modern regulatory framework. The powers granted to such authorities, in particular the judicial qualification boards, give them direct influence over the processes occurring within the judicial community, thereby facilitating the progressive reinforcement and development of the judiciary.

210. To ensure transparency and openness in their work, qualification boards include both representatives of the judicial community, elected by judges themselves, and also law professors and academics.

211. Qualification boards contribute to the staffing of the judicial system: they carry out performance appraisals, conduct disciplinary proceedings involving judges and use preventive mechanisms.

212. A new judicial body, the National Conference of Judges, which is competent to take decisions between sessions of the Congress of Judges, was established in 2017 with a view to strengthening the judicial system and ensuring judicial independence and autonomy.

213. The National Conference is established based on democratic principles, using open voting by judges from all regions of the country. Its membership includes Constitutional Court judges, Supreme Court judges, 20 judges of other courts of general jurisdiction from each of the country's provinces and a further 20 from the city of Minsk.

214. The past five years have seen a transition to an appellate procedure for reviewing complaints against judicial rulings in criminal and civil cases.

215. The introduction of appeals and the granting to the appellate courts of broad powers to review cases has strengthened the guarantees that parties will receive a correct and lawful decision in a shorter time frame than was previously possible and has eliminated the need for multiple court appearances and repeated involvement in judicial proceedings.

**Q. Right to freedom of expression, right to peaceful assembly and right to freedom of association (recommendations 127.79, 129.60–129.63, 129.66, 129.69, 129.70, 129.72, 129.75, 129.78–129.82, 129.84, 129.87, 129.90)**

216. In Belarus, the enjoyment by citizens of their right to receive and impart full, accurate and timely information, enshrined in the Constitution, is fully upheld.

217. Act No. 455-Z of 10 November 2008 on Information, Information Systems and Data Protection is aimed at fulfilling the right of citizens to receive information in the public interest.

218. Act No. 427-Z of 17 July 2008, the Media Act, sets forth the basic principles applicable to the media, such as the reliability of information, legality, equality, respect for human rights and freedoms, diversity of opinion, the development of national culture, protection of morals and compliance with journalistic ethical standards.

219. Neither monopolization of the media by the State, civil society associations or individual citizens nor censorship is tolerated. The Media Act also guarantees freedom of opinion, belief and expression. Non-State-owned media outlets greatly outnumber State-owned ones. In Belarus, the public has free access to the media.

220. As at 1 September 2019, there were 1,621 print media publications registered in Belarus (728 newspapers, 852 magazines, 31 newsletters, 8 catalogues and 2 anthologies; 437 of these publications were State-owned and 1,184 were non-State-owned). The language of most print publications was Belarusian and Russian, although publications in English, German, French, Polish and other languages also existed. Two of the nine news agencies were State-owned, while seven were non-State-owned. Of the 273 television and radio broadcasters, 191 were State broadcasters (147 radio stations and 44 television channels) and 82 were non-State broadcasters (27 radio stations and 55 television channels). As at 1 September 2019, 17 online publications (12 State and 5 non-State) were registered.

221. The Media Act ensures equal rights for journalists regardless of the form of ownership. Article 7 of the Media Act prohibits the unlawful restriction of media freedom, in the form of censorship, forcing a journalist to disseminate or refrain from disseminating information, or violation of the rights of a journalist as established in the Act and other legislation.

222. In accordance with article 34 of the Act, journalists are entitled to gather, request and receive information from government agencies, political parties, other voluntary associations and other legal entities, to store and disseminate the information needed to carry out their professional activities, to be present, under the rules prescribed by law, in armed conflict or emergency zones, at public events and at the locations of other events of public significance and to transmit information from those locations, and to express their personal opinions about the reports and materials to be disseminated, under their own names.

223. It is a criminal offence to persecute citizens for their criticisms and also to obstruct the lawful professional work of a journalist.

224. Therefore, the law guarantees equal rights for journalists and unhindered professional journalism.

225. Free access to information for journalists facilitates the work of press centres, in particular the National Press Centre of Belarus and the Press House. These communication platforms hold press events, with participation by the country's highest officials and the leaders of government agencies and major civil society organizations. Prior accreditation for press conferences is not usually required; all journalists may attend.

226. In 2008, the Public Coordinating Council on the Mass Media was established, bringing together the heads of the leading State and non-State media outlets.

227. Since 2016, the Belarusian International Partnership for the Future Media Forum has been held annually. It serves as a discussion forum for exchanging opinions and developing new ideas and concepts.

228. Since 1 January 2015, the Media Act has been applicable to websites and sections of websites that are used for the dissemination of media content, except for the requirement of State registration.

229. The Internet is the fastest growing segment of the information environment. Owing to its cross-border, all-pervasive nature, it is actively used by various criminal and destructive political and economic entities for their own interests. It is crucial not to allow the uncontrolled distribution over the web of information materials whose dissemination is restricted or prohibited under the legislation of Belarus.

230. All decisions to date made by the Ministry of Information to restrict access to Internet sites were taken in order to protect the public from such information. This mostly consisted of sites advocating for the use of narcotic drugs, psychotropic substances and their analogues, poisons and other intoxicating substances, extremist sites or those promoting pornography.

231. The grounds for applying access restriction measures must be substantial and valid. An exhaustive list of such grounds is set out in the Media Act, which is compatible with the approach required under article 19 (3) of the International Covenant on Civil and Political Rights.

232. The owner of the website to which access has been restricted may apply to the Ministry of Information for restoration of access at any time once the identified violations have been eliminated. All applications from website owners received so far have been accepted.

233. Apart from access restrictions on websites, the Media Act provides for actions such as a written warning to the editor of the media outlet and the issuance to the website owner of a notice requiring the elimination of the identified violations. An exhaustive list of grounds for the issuance of written warnings and notices is set out in the Media Act.

234. This practice is preventive in nature and primarily intended to ensure that the media can operate safely and to protect the legitimate interests of the country's citizens. The number of warnings has significantly decreased in recent years. In 2015, the number of warnings issued was 36, which went down to 17 in 2017 and 6 in 2018. In the first nine months of 2019, no warnings were issued.

235. Decisions taken by the Ministry of Information to issue a written warning, restrict access to a website or deny the restoration of access may be challenged in court.

236. Experience of applying the rules extending the applicability of the Media Act to websites and regulating the activities of website owners has demonstrated that this legal amendment was opportune.

237. On 1 December 2018, further amendments to the Media Act came into force, introducing the possibility for websites acting as mass media outlets to undergo the State registration process for online publications. Such registration is voluntary.

238. One of the aims of the law is to protect the rights and legitimate interests of citizens and businesses from illegal conduct in the media and on the Internet. To that end, the list of the types of information which it is prohibited to disseminate was expanded. The following types of information have been added:

- Information about minors who are the victims of illegal acts (or omissions), including their family or given names, photo and video images of them and other information directly or indirectly enabling their identification, without the consent of their legal representatives
- Information on production methods for explosives, explosive devices and incendiary weapons
- Information advocating or inciting suicide

239. Information prohibited under article 38 of the Media Act includes information that, as covered under article 19 (3) of the International Covenant on Civil and Political Rights, is directed against national security or public order or poses a danger to public health or morals.

240. The amendments to the Media Act were widely discussed in society, at round-table meetings and press conferences. The proposed amendments were sent to the editors of major media outlets and press associations. The journalism community commended a number of the new legislative proposals.

241. Freedom of association is guaranteed by a number of laws regulating the procedures for the establishment, operation and dissolution of political parties, trade unions, voluntary associations and foundations.

242. As at 1 July 2019, the country had 2,955 voluntary associations, 15 political parties and 25 trade unions. Each year, approximately 100 new voluntary associations are registered in the country. For example, 92 new voluntary associations were registered in 2018. The number of trade unions has decreased owing to a reorganization involving mergers between certain trade unions.

243. The increased number of voluntary associations shows that the constitutional right of citizens to exercise their civil and social rights is consistently upheld in Belarus. New voluntary associations are constantly being registered. They work in fairly diverse fields and encompass various segments of the population.

244. The existence of a significant number of voluntary associations with varied areas of activity also demonstrates the advanced level of civil society and the interest of citizens in coming together for the common enjoyment of their shared civil, cultural, social and other rights.

245. In 2019, a bill on amendments to laws pertaining to the activities of political parties and other voluntary associations was drafted. The purpose of the bill was to improve the legislation on the formation and activities of voluntary associations and political parties.

246. The bill incorporates a number of amendments related to simplifying the establishment and operations of voluntary associations and political parties (non-profit organizations). They include a reduction in the number of founders required to set up a non-profit organization and the introduction of the possibility for non-profit bodies to hold their meetings online, submit their documents in electronic format and use the workplace of their directors as their legal address.

247. During the drafting process for the bill, all its provisions were discussed with representatives of non-profit organizations in a specially established working group. Moreover, a public debate on the bill was organized on the Belarus Legal Forum, on which everyone could submit suggestions and comment on the text. Thirty suggestions and comments were left.

248. Pursuant to Act No. 171-Z of 9 January 2019, amending various codes, article 193<sup>1</sup> has been deleted from the Criminal Code.

249. Under the Constitution, the freedom to hold assemblies, rallies, marches and demonstrations and to engage in picketing is guaranteed by the State provided that this does not disturb law and order or violate the rights of others. The procedure for holding such events is prescribed by law.

250. In 2018, the Public Events Act was amended to provide for a notification procedure for holding public events in permanent locations designated by the local authorities.

251. The courts alone are competent to impose the appropriate administrative sanctions for violations of the law on the procedure for organizing or holding public events.

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