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## **Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1**

### **Belarus\***

The present report is a summary of 29 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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

## **I. Background and framework**

### **A. Scope of international obligations**

1. The joint submission by International Federation for Human Rights, Belarusian Helsinki Committee, Belarusian Association of Journalists, 'Viasna' Human Rights Centre, Assembly of Democratic Non-Governmental Organizations of Belarus and Congress of Independent Unions (JS2) noted that Belarus has not signed or ratified the Optional Protocol to the International Convention Against Torture (OP-CAT), the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2), the International Convention for the Protection of All Persons from Enforced Disappearance (CED), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) and the Convention on the Rights of Persons with Disabilities (CRPD).<sup>2</sup> Amnesty International (AI) called on Belarus to ratify the ICCPR-OP2, and ratify and implement the OP-CAT.<sup>3</sup>

2. Christian Solidarity Worldwide (CSW) recommended ensuring compliance with international standards, in particular obligations under the ICCPR and ICESCR, notably Article 18 of the ICCPR relating to freedom of religion and belief and the International Covenant on Economic, Social and Cultural Rights (ICESCR).<sup>4</sup> The International Public Association 'Panimanie' (PANIMANIE) noted that Belarus successfully fulfils its obligations under the Convention of the Rights of the Child (CRC).<sup>5</sup>

### **B. Constitutional and legislative framework**

3. AI called on Belarus to bring domestic legislation in line with obligations of Belarus under international human rights treaties, in particular the ICCPR and the CAT.<sup>6</sup>

4. PANIMANIE highlighted that the progress in preventing children's deprivation of parents care caused by social conditions and the sale of children is linked, inter alia, with the strong legislative protection of minors in the country. PANIMANIE noted that a number of legislative acts were adopted to strengthen the protection of children in unfavourable family conditions as well as those who are at a risk becoming a victim of trafficking in human beings.<sup>7</sup> The Republican Public Association "Belarusian Association of UNESCO Clubs" (BAUNESCOC) noted that legislation entitles fundamental rights of the child and establishes protection mechanisms of these rights.<sup>8</sup>

5. According to Belarusian Public Association of Veterans (BPAV), the recent legislation contributed, inter alia, to improved access to social assistance for citizens in need.<sup>9</sup>

### **C. Institutional and human rights infrastructure**

6. JS2 indicated that no specific government institution for the protection of human rights has been created. Such functions, among others, fall under the competence of some government bodies but do not conform to the Paris Principles, and their activities in human rights protection are ineffective in practice.<sup>10</sup>

7. BAUNESCOC reported that the National Commission on the Rights of the Child, with representatives all over the country, was established to supervise the observance of rights and legitimate interests of children. The Commission on Minors' Affairs also exists.<sup>11</sup> The Republican Public Association "Belarusian Children's Fund" (BCF) noted that the

National Commission on the Rights of the Child gives the possibility to each person, including children, to address their specific questions to the public reception centres accessible nationwide.<sup>12</sup> The Belarusian Association for Assistance to Children and Youth with Disabilities (BAACYPD) noted that a sustainable system to assist children with disabilities has been established following the adoption of the 2000 Law on Special Education.<sup>13</sup>

8. The Executive Committee of the Commonwealth of Independent States (CIS) noted that the International Training Centre at the Academy of the Ministry of Internal Affairs was established for introductory training, and retraining and upgrading ranks for personnel working with issues of migration and combating trafficking in human beings.<sup>14</sup>

## **D. Policy measures**

9. The Young Women's Christian Association of Belarus (BYWCA) recommended enhancing gender mainstreaming into all national policies and strategies.<sup>15</sup>

10. BCF reported that the Presidential Program *Children of Belarus* was approved, and the National Plan of Actions on Improvement of Children's Status and Protection of their rights for the 2004-2010 and other legislative acts were adopted.<sup>16</sup> The Municipal Public Association on the Prevention of Children's Cruel Treatment "Children not for Violence" (CNFV) noted that the protection of children from commercial sexual exploitation received special attention in the 2008 -2010 Government Program on Combating Trafficking in Human Beings, Illegal Migration and Other Types of Associated Illegal Action. According to CNFV, recent programs support the effective implementation of the country's obligations under international human rights treaties.<sup>17</sup>

11. According to JS2, policies for persons with disabilities are not directed toward their integration in society, but to their segregation as a special group.<sup>18</sup>

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

### **A. Cooperation with human rights mechanisms**

12. JS2 noted that Belarus has practically ignored resolutions and recommendations of intergovernmental bodies on human rights.<sup>19</sup>

#### **1. Cooperation with treaty bodies**

13. JS2 indicated that for an extended period of time the country presented no periodic reports under the United Nations core treaties and refused to fulfil decisions of the Human Rights Committee (HR Committee) pertaining to individual complaints.<sup>20</sup> International Commission of Jurists (ICJ) requested that the Human Rights Council recommend, inter alia, to: submit its reports on the implementation of treaty obligations in a timely manner and implement concluding observations of the treaty bodies; provide responses on follow-up to the views by the HR Committee and undertake necessary legislative and practical measures to implement the Committee's recommendations on individual communications.<sup>21</sup> AI called on Belarus to implement the recommendations made by the HR Committee and the Committee against Torture (CAT).<sup>22</sup>

#### **2. Cooperation with special procedures**

14. JS2 noted that Belarus has refused to cooperate with the United Nations thematic and country Special Rapporteurs and did not implement their recommendations.<sup>23</sup> ICJ

noted that Belarus has failed to cooperate fully with expert mechanisms of the Human Rights Council and respond positively to requests for visits by Special Rapporteurs on the right to freedom of expression, human rights defenders and on torture and other cruel, inhuman or degrading treatment or punishment. Nor did Belarus extend any cooperation, including in response to a request for a visit, to the Special Rapporteur on the situation of human rights in Belarus.<sup>24</sup> ICJ requested that the Human Rights Council recommends that Belarus extend invitations to Special Procedures of the Human Rights Council to visit Belarus.<sup>25</sup> Front Line (FL) called upon to urge Belarus, inter alia, to invite the Special Rapporteur on the situation of human rights defenders to conduct an official visit to the country.<sup>26</sup>

## **B. Implementation of international human rights obligations**

### **1. Equality and non-discrimination**

15. JS2 indicated that the Constitution and other legal acts contain bans on discrimination; however, there is no definition. It is only the Labour Code that lists possible grounds for discrimination. No court practice for hearing cases of discrimination has been formed, inasmuch as the courts do not accept discrimination as the subject of a suit; refuse to explore the legal precedent for analogous cases.<sup>27</sup>

16. BYWCA noted that there is a perpetuation of stereotypical roles of fathers and mothers and the social roles of boys and men.<sup>28</sup>

17. BAUNESCOC noted that the provisions on non-discrimination ensuring equal rights to children without distinction based on origin, race, nationality, civic background, social and property status, sex, language, education, religion, place of residence, health or other circumstances play an important role in protection of children's rights.<sup>29</sup>

18. JS2 mentioned that the official state languages are Belarusian and Russian, however, in practice discrimination against Belarusian-speaking citizens is noted. An absolute majority of legal acts are not published in Belarusian.<sup>30</sup>

19. JS2 indicated that the problem of homophobia exists in society.<sup>31</sup> According to GayBelarus, State support in the struggle against homophobia in the society is absent and homophobia has become a part of everyday life.<sup>32</sup>

### **2. Right to life, liberty and security of the person**

20. In 2009, the Political Affairs Committee of the Parliamentary Assembly of the Council of Europe (CoE PACE) regretted that capital executions can still be carried out in Belarus, despite the reduction of the categories of crimes for which they can be inflicted, a decrease in the number of death sentences handed down in such cases and the fact that no executions have been carried out since February 2008.<sup>33</sup> JS2 noted that there is no official information on the number of executions.<sup>34</sup> According to AI, Belarus failed to publish comprehensive statistics about the number of death sentences passed and executions carried out.<sup>35</sup> AI mentioned that many aspects of the death penalty are shrouded in secrecy and indicated that prisoners and their relatives were not informed of the date of execution in advance, and relatives may not know for weeks or even months that the execution has taken place. AI referred to the view of the HR Committee that the secrecy surrounding the death penalty had the effect of punishing the families and amounted to inhuman treatment.<sup>36</sup> JS2 also made similar comments.<sup>37</sup>

21. JS2 noted the temporary nature of capital punishment as established in the Constitution, and highlighted that its use is intended as an extraordinary form of punishment and the Constitutional Court considers a full abolition of capital punishment to

be possible.<sup>38</sup> The CoE PACE noted that no legal constraints would prevent the President or the Parliament from introducing a moratorium on executions.<sup>39</sup> AI called on Belarus, *inter alia*, to commute without delay the death sentences of all prisoners currently on death row to terms of imprisonment and to promptly establish a moratorium on all executions with a view to abolishing the death penalty.<sup>40</sup> The CoE PACE made similar appeals.<sup>41</sup>

22. The Organization for Defending Victims of Violence (ODVV) indicated that there have been several instances of persecution, including the disappearance of a number of former government officials among several other not so well-known individuals. Belarus has on numerous occasions promised to conduct investigations, but to date no serious action has been taken.<sup>42</sup> JS2 noted that Belarusian officials either have not made sufficient efforts to investigate high-profile cases involving the forced and politically motivated disappearances of B. Gonchar, D. Zavadsky, Yu. Zakharenko and A. Krasovsky or nothing is known of such efforts.<sup>43</sup> While expressing its deep concern over the forced disappearances, ODVV called upon Belarus to investigate and rectify the situation.<sup>44</sup>

23. JS2 noted that the term ‘torture’ is not defined in legislation.<sup>45</sup> AI called on Belarus to make amendments to the Criminal Code to include a comprehensive definition of torture as provided in the CAT.<sup>46</sup> AI indicated it had credible evidence that police and investigators sometimes resort to torture and other ill-treatment in order to force confessions.<sup>47</sup> JS2 noted that human rights advocates receive complaints about the use of torture by law enforcement authorities.<sup>48</sup> AI called on Belarus, *inter alia*, to condemn the use of torture and other ill-treatment and ensure that no statement obtained as a result of torture or other ill-treatment is used as evidence in trial proceedings.<sup>49</sup> In addition AI called on Belarus, *inter alia*, to ensure prompt, impartial and comprehensive investigations of all complaints of torture or cruel, inhuman or degrading treatment or punishment of persons subjected to any form of arrest, detention or imprisonment, as well as when there are reasonable grounds to believe that torture or other ill-treatment has occurred even if no complaint was made.<sup>50</sup> ICJ made similar requests.<sup>51</sup>

24. The Global Initiative to End All Corporal Punishment against Children (GIEACPC) indicated that corporal punishment is lawful in foster care and in the home, noting that legal provisions against violence and abuse are not interpreted as prohibiting all corporal punishment in childrearing. Corporal punishment is considered unlawful in schools and the penal system. In alternative care settings, it is considered unlawful in institutions under the Rights of the Child Act but there is no explicit prohibition.<sup>52</sup>

25. BYWCA indicated that domestic violence is not often reported and there is no comprehensive legislation on domestic violence prevention. BYWCA indicated that the adoption of the draft law of 2002 with some amendments would ensure a unified legal, social and public response to domestic violence.<sup>53</sup>

26. JS2 noted that the confinement conditions in prisons, treatment of convicts and individuals in custody, can be considered to be to a great extent either cruel treatment or torture.<sup>54</sup> ICJ requested the Human Rights Council to urge Belarus, *inter alia*, to ensure that conditions of detention comply with international standards.<sup>55</sup> AI also mentioned that there is no independent monitoring system of detention places.<sup>56</sup>

27. BYWCA indicated that Belarus enacted an anti-trafficking legislation and has a national anti-trafficking strategy for the period of 2008-2010. BYWCA noted that the anti-trafficking legislation does not sufficiently address social and other consequences and root causes of trafficking in human beings.<sup>57</sup> BYWCA recommended, *inter alia*, that strategies not only focus on prosecution of offenders, but address root causes and social consequences, and improve access to criminal justice for trafficked persons.<sup>58</sup>

28. JS2 noted that the analysis of the legislation and existing practice demonstrates that forced labour is used and elements of forced labour can be discerned in, *inter alia*, the

following areas: (a) The Law on the Status of Servicemen permits “using servicemen during the term of their military service to perform work and fulfil other duties not pertaining to military service” and (b) the mandatory work placement of all graduates of educational institutions who received an education paid for by government funds was introduced in the Law on Education in 2002.<sup>59</sup>

### **3. Administration of justice and the rule of law**

29. According to JS2, the principle of judicial independence is seriously violated.<sup>60</sup> ICJ noted that the judiciary operates in the context of broad presidential powers under the Constitution, including total discretion to appoint and remove judges. ICJ was concerned at Presidential power to interfere directly in the judicial process.<sup>61</sup> ICJ recommended, *inter alia*, to: establish an independent and transparent system of selection and discipline of judges; ensure that the system of remuneration of judges enables them to exercise their functions independently and impartially; abolish the interdepartmental commission on high profile cases and other measures permitting executive interference in the administration of justice.<sup>62</sup>

30. ICJ indicated that lawyers are prevented from forming independent bar associations, the Ministry of Justice controls the bar associations, regulates entry to the profession and the operation and governance of the bar, and considers complaints leading to disciplinary measures. ICJ requested the Human Rights Council to call on Belarus to: amend the laws enabling the Ministry of Justice control of the legal profession; restore the right of lawyers to organise self-governing independent bars; ensure that lawyers practice without interference, harassment, intimidation or consequences for proper defence of clients’ interests; and refrain from interference with lawyer-client confidentiality.<sup>63</sup>

31. JS2 noted that the new legislation broadened the possibility of adversarial trial and the rights and obligations of the parties in a trial were formulated more clearly, however, in practice, these changes failed to exclude an accusatorial bias in the trial process. Judges arbitrarily apply justification for conducting cases in closed session.<sup>64</sup> AI indicated that it has received credible evidence that the right to presumption of innocence is regularly violated in death penalty cases, that torture and ill-treatment is used to extract confessions which are subsequently admitted as evidence in trials, and that trials fail to meet international standards of fairness and to provide adequate appeal procedures. AI also made reference to three cases of death sentences handed down in 2008 by the Supreme Court as the court of first instance, leaving the defendants with no possibility of appeal.<sup>65</sup> ICJ requested Human Rights Council to call on Belarus to ensure the right to a fair trial, as provided under international standards.<sup>66</sup>

32. JS2 noted that despite the introduction of the new legislation the traditional shortcomings in the regulation of detention and the use of detention as a measure of restraint remain.<sup>67</sup> AI expressed concern about the apparent lack of a provision for judicial review of a decision to detain a person. AI noted that according to the Criminal Procedural Code, it is the prosecutor who sanctions arrest. The detainee has the right to appeal against his or her detention to a court; however, the court is empowered to check only the legality of the procedure, not the decision itself to detain a person.<sup>68</sup> ICJ requested that the Human Rights Council urge Belarus, *inter alia*, to ensure that placement in detention may be only ordered by a judge and that pre-trial detention should only be imposed in exceptional circumstances.<sup>69</sup>

### **4. Right to family life**

33. BCF highlighted that in the recent years Belarus pays a special attention to children whose rights to family were violated. The Decree no. 18 introduced a definition of “a family in a socially vulnerable situation” and measures have been undertaken to provide

assistance to these families. At present 200 entities are in charge of the rehabilitation of minors who are in socially vulnerable situations and in need for a state protection. Due to these measures 23,150 children were deregistered as a person in socially vulnerable situation.<sup>70</sup> According to PANIMANIE, the proportion of orphans placed in institutions is low and over 72 % of children without parents are placed in families.<sup>71</sup>

**5. Freedom of religion or belief, expression, association and peaceful assembly and right to participate in public and political life**

34. The Institute on Religion and Public Policy (IRPP) noted that religious communities in Belarus face obstacles to the free practice of religion. Religious repression has continued, and Belarus interferes and curtails the rights of religious freedom in practice. According to IRPP, the 2002 religion law has increased government control of the activities of religious groups.<sup>72</sup> IRPP noted that the religion law requires religious organisations to register with the Office of the Plenipotentiary Representative for Religious and Nationalities Affairs (OPRRNA) at the Council of Ministers or with local and regional governments. OPRRNA has continued to deny the registration to what it considered non-traditional faiths.<sup>73</sup> CSW reported that the authorities refused to re-register existing religious groups thereby making it extremely difficult for them to function, organise religious meetings, distribute literature, invite foreign religious leaders, and to rent or purchase a property.<sup>74</sup> According to CSW, Belarus makes it almost impossible for religious groups to register buildings for religious use, forcing them to carry out their activities outside the law.<sup>75</sup> The Forum 18 News Service (the Forum 18) also referred to similar restrictions.<sup>76</sup> The CSW considered that the 2002 Law on Freedom of Conscience and Religious Organisations (the Law) is in direct contradiction with the Belarusian Constitution and is also inconsistent with the ICCPR and the ICESCR. CSW recommended Belarus to revise or repeal the Law to ensure its compliance with international standards.<sup>77</sup>

35. CSW noted that the state mass media disseminates derogatory information about various religious organisations, while presenting orthodoxy in a much more positive light. The activities of government institutions and the mass media are not based on equal respect for religious convictions and inevitably lead to religious discrimination of some denominations and groups. CSW indicated that the 2002 Law on Freedom of Conscience and Religious Organisations does not permit foreigners and persons without citizenship, legally residing in Belarus, to be founders and/or members of religious organisations.<sup>78</sup>

36. According to CSW, non-governmental organisations, religious institutions and leaders are subject to frequent harassment, prosecution, fines, repression and even imprisonment under the terms of the Law.<sup>79</sup> IRPP reported that Belarus continued to use textbooks that promote religious intolerance, especially toward non-traditional faiths whereby several religious communities are described as sects.<sup>80</sup> IRPP recommended, inter alia, to stop favouring the Orthodox Church and harassing other non-Orthodox denominations and religions and stop denying the right of some religious groups to register.<sup>81</sup>

37. Conscience and Peace Tax International (CPTI) reported that Belarus has a system of obligatory military service.<sup>82</sup> CPTI noted a concern regarding the failure of Belarus to promulgate legislation to implement the right of conscientious objection to military service, as a result prosecutions of conscientious objectors for their refusal to perform military service recommenced in 2009, after an eight year gap.<sup>83</sup> The Forum 18 also indicated that Belarus, in 2009, have re-started criminal prosecutions of conscientious objectors.<sup>84</sup>

38. JS1 noted that Constitutional provisions guaranteeing freedom of expression and access to information are not respected as numerous laws severely restrict them, and the actions of the authorities often hinder their realization.<sup>85</sup> JS2 noted that the court imposed closure of media activities is possible even after a singly grave violation of the law, or after

two warnings for any type of violation.<sup>86</sup> JS1 indicated that existing legislation on defamation and extremism creates an environment of self-censorship, limits press freedom and is not in line with European and international standards on press freedom.<sup>87</sup> CIVICUS mentioned the issue of restrictive libel provisions impacting on freedom of expression.<sup>88</sup> JS1 recommended reforming the media related laws to bring media policy in line with international standards.<sup>89</sup>

39. JS1 noted that Belarus tolerates violence by its police on journalists reporting public events.<sup>90</sup> CoE PACE noted that cases of harassment against independent journalists are not a rare occurrence, with the result that many of them prefer to opt for self-censorship.<sup>91</sup> ODVV expressed a concern about the way in which Belarus treats the press and journalists, exercises strict control and restrictions against the press and media.<sup>92</sup>

40. CIVICUS indicated that all foreign journalists must obtain accreditation from government before being allowed to operate in the country and permission is often denied on subjective grounds. CIVICUS noted that independent publications focusing on political and social issues have been denied access to the state run press distribution monopoly.<sup>93</sup> The JS2 noted that the state monopolist of media distribution refuse to distribute practically a half of the registered, independent socio-political publications. CIVICUS recommended that access of independent publications be enabled under the state distribution network and that access of foreign media persons to work in Belarus be enabled.<sup>94</sup>

41. Belarusian Journalists' Union (BJU) mentioned that the Public Coordination Council has the right, *inter alia*, to provide an assessment if there is a violation of requirements of the Law on the Mass Media in mass media productions. BJU indicated that the efforts of Belarus directed at ensuring rights and freedoms of citizens to access to information should be considered as sufficient and feasible.<sup>95</sup> JS1 noted that access to information is restricted, in particular because of the adoption and implementation of laws that limit journalists' right to information or discriminate between state and non-state media in accessing information of public interest.<sup>96</sup>

42. According to JS2, law established a complicated procedure for registering civic organizations, political parties and unions. Grounds for refusing registration provided in the Law leave open the possibility for arbitrary rejection, and several associations have for many years encountered continuous refusals to their registration. A rejected registration can be appealed in the court, but the courts have never satisfied any of the complaints.<sup>97</sup> JS2 further indicated that Criminal Code establishes a deprivation of freedom for a period of up to two years for participation in the activities of an unregistered civic or religious association, party or foundation.<sup>98</sup> FL called on to urge Belarus to, *inter alia*, register human rights organisations and amend the Criminal Code which criminalizes the activities of non-registered NGOs.<sup>99</sup> FL urged Belarus to guarantee that human rights defenders are able to carry out their legitimate activities without fear of reprisals, and free of all restrictions including judicial harassment and initiate an immediate, thorough and impartial investigation into the attacks and defamation campaigns against human rights defenders.<sup>100</sup>

43. CNFV indicated that the mandatory registration of projects with the Ministry of Economics, without which no project can kick off, hampers the project implementation as registration takes long time and thus, revisions and additional efforts become necessary for the implementation of activities within the project deadline. CNFV found it necessary to establish the specific timeline not exceeding 30 days from the date of the submission of a project for registration.<sup>101</sup>

44. BAUNESCOC noted that article 36 of the Constitution guarantees the citizens' right to assembly.<sup>102</sup> JS2 noted that the existing legislation, the complexity of the procedure and time required for receiving permission and the potential for arbitrary refusal limit freedom of assembly.<sup>103</sup> AI reported that Belarus continues to violate freedom of assembly by

refusing to grant permission to hold demonstrations and public events, and peaceful demonstrators are frequently detained for short periods, prosecuted under the administrative code or subjected to disproportionate use of force by police officers and riot police.<sup>104</sup> FL made similar considerations.<sup>105</sup>

45. According to JS2, since 1996, all elections and referendums conducted in Belarus have been declared by OSCE/ODIHR election observation missions as not conforming to international standards for democracy, freedom and transparency of the electoral process. Since the Electoral Code was adopted in 2000, it has been repeatedly criticized both by international institutions and national observers, human rights activists and political parties.<sup>106</sup>

46. The CoE PACE noted that the Parliamentary elections of September 2008 failed to meet European standards of freedom and fairness and welcomed that the Belarusian authorities agreed to work with the OSCE/ODIHR on the reform of the country's electoral legal framework and practice, in order to align them with Belarus' OSCE commitments.<sup>107</sup>

47. CIS noted that since 2001 the CIS Election Observation Mission (hereinafter: the Mission) carried out monitoring of the preparation and organisation of the Presidential and Parliamentary elections by the initiative of Belarus. CIS mentioned that according to the Mission, the Electoral Code enables to conduct free and democratic elections and does not contain provisions providing discriminatory limitations to citizens' right to vote. According to CIS, the Mission positively evaluated measures undertaken by the Electoral Commissions and state bodies to ensure organisation of free and democratic elections. The Mission ascertained that formation of electoral commissions was conducted according to the requirements of the Electoral Code.<sup>108</sup> CIS also referred to the statement of the Mission that the nomination and registration of candidates for the Presidency or to deputies were conducted according to the Electoral Code.<sup>109</sup> CIS mentioned that the Mission did not find facts that would put under the question legitimacy and democratic nature of presidential and parliamentary elections and always stated that elections were conducted in accordance with the electoral code in force and international norms.<sup>110</sup>

## **6. Right to work and to just and favourable conditions of work**

48. JS2 reported that since 2004, on the basis of the Presidential Decree, employers forced employees to enter into short-term contracts. Short-term contracts are used by employers to intimidate independent union activists, and individuals demonstrating opposition views.<sup>111</sup>

49. Business Association of the Entrepreneurs and Employers named after Professor Kunyavski (BAEE) and the Joint Submission by the Republican Public Association "Belarusian Scientific and Industrial Association" and "Belarusian Confederation of Manufacturers, Entrepreneurship and Science" (JS3) noted that, with a view of the full realization of the right to work, programs on professional-technical education and training, on direction and methods to achieve a steady economic, social and cultural development, and full productive employment have been implemented.<sup>112</sup>

50. BAEE and JS3 mentioned that constructive steps have been taken to comply with the rights of each person to form and to join the trade unions of their own choice, for the promotion and protection of economic and social interests of each person with a condition that the rules of the respective organization are met.<sup>113</sup> According to BAEE and JS3, Belarus neither adopted a legislative act nor used the legislation to limit guarantees enshrined in the ILO 1948 Convention on Freedom of Association and Protection of the Right to Organise.<sup>114</sup> According to JS2, independent trade unions meet serious problems: the ban on unregistered trade unions, barriers to their mandatory registration and members of

independent unions are subject to pressure from employers and discriminatory measures are used against them.<sup>115</sup>

#### **7. Right to social security and to an adequate standard of living**

51. According to BAEE and JS3, Belarus recognizes and ensures the right of each person to social security by law, including social insurance.<sup>116</sup> BPAV noted that the social security system for people in need, including elderly people without assistance or persons with disabilities was actively evolving. In all administrative regions of the country the regional centers of social security function and provide people with comprehensive social services free of charge or with partial payment. As a positive factor BPAV mentioned the existence and development of the wide system of accessible social services, in particular access to public health and transportation that facilitated considerably the living conditions of elderly people.<sup>117</sup>

52. BAACYPD noted that the Ministry of Labour and Social Protection develops new approaches for the provision of social help and social services to young persons with development difficulties and their families. Special departments and groups for day care of persons with disabilities operate at 90 out of 156 regional centres of social services.<sup>118</sup>

53. BCF noted that in 2008 the infant and child mortality rate decreased twice comparing to the rate in 2000.<sup>119</sup>

54. Human Rights Watch (HRW) recommended examining reasons for reported low consumption of controlled medications for pain treatment and develop a plan of action to improve their availability.<sup>120</sup>

#### **8. Right to education**

55. JS2 indicated that there is practically no opportunity to receive a higher education in Belarusian language in an absolute majority of fields of study. The administration of higher educational institutions has made no effort to accommodate students wishing to study in Belarusian-language classes.<sup>121</sup>

56. CNFV highlighted that a website with legal information related to children's rights was established.<sup>122</sup>

### **III. Achievements, best practices, challenges and constraints**

57. JS2 reported that since 2003 authorities had practically curtailed all cooperation with human rights organizations on issues related to the promotion of human rights. The situation began to change early in 2009 when the Community Advisory Council under the Presidential Administration was established. The Council includes a representative of the Belarusian Helsinki Committee and a representative of the Belarusian Association of Journalists.<sup>123</sup>

58. AI indicated that there were some signs in 2009 that the role of civil society was beginning to be acknowledged by government authorities. Civil society representatives were included in the Public Coordination Council on the Media as well as the Human Rights Council within the Presidential administration.<sup>124</sup>

59. BAUNESCOC noted that adequate attention is paid for the development of civil society in Belarus. New organisations have been established on a regular basis<sup>125</sup> BPAV indicated that the state bodies provided all necessary conditions for activities of non governmental organisations.<sup>126</sup> PANIMANIE noted that the state bodies have taken into

account expert opinions of non governmental organisations and have adequate assessment of the country's capacity in development of system for children's rights protection.<sup>127</sup>

60. In June 2009, the CoE PACE noted that although Belarus is far from Council of Europe standards in the field of democracy, the rule of law and human rights, its authorities had recently taken steps in the right direction.<sup>128</sup> Despite recent positive developments, however, and the resumption of contacts with the European organisations, the situation in Belarus continues to be a cause of concern.<sup>129</sup> JS2 indicated that over the past decade the situation in Belarus has distinguished itself by the occurrence of serious systemic human rights problems.<sup>130</sup>

#### IV. Key national priorities, initiatives and commitments

N/A

#### V. Capacity-building and technical assistance

N/A

#### Notes

- <sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

##### *Civil society*

AI	Amnesty International*, London, United Kingdom;
BAACYPD	Belarusian Association of Assistance to Children and Young People with Disabilities, Belarus;
BAUNESCOC	Republican Public Association "Belarusian Association of UNESCO Clubs", Belarus;
BAEE	Business Association of the Entrepreneurs and Employers named after Professor Kunyavski, Belarus;
BCF	Republican Public Association "Belarusian Children's Fund", Belarus;
BJU	Public Association "Belarusian Journalists' Union", Belarus;
BYWCA	Young Women's Christian Association of Belarus, Belarus;
BPAV	Belarusian Public Association of Veterans, Belarus;
CNFV	Municipal Public Association on the Prevention of Children's Cruel Treatment "Children not for Violence", Belarus;
CIVICUS	CIVICUS: World Alliance for Citizen Participation*, Johannesburg, South Africa;
CPTI	Conscience and Peace Tax International*, Leuven, Belgium;
CSW	Christian Solidarity Worldwide, New Malden, United Kingdom;
ECLJ	European Centre for Law and Justice, Strasbourg, France;
Forum 18	Forum 18 News Service, Oslo, Norway;
Front Line	Front Line*; Dublin, Ireland;
GayBelarus	GayBelarus, Belarus;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom;
HRW	Human Rights Watch*, New York, United States of America;
ICJ	International Commission of Jurists*, Geneva, Switzerland;
IRPP	Institute on Religion and Public Policy, Washington D.C, USA;
JC	Jubilee Campaign *, USA;

JS1	Joint Submission by International PEN*, the International Publishers' Association* and Index Censorship, London, United Kingdom;
JS2	Joint Submission by International Federation for Human Rights* (FIDH), Belarusian Helsinki Committee (BHC), Belarusian Association of Journalists (BAJ), "Viasna" Human Rights Centre, Assembly of Democratic Non-Governmental Organizations of Belarus and Congress of Independent Unions, Belarus;
JS3	Joint Submission by the Republic Public Association "Belarusian Scientific and Industrial Association" and "Belarusian Confederation of Manufacturers, Entrepreneurship and Science", Belarus;
ODVV	Organization for Defending Victims of Violence*, Tehran, Iran;
PANIMANIE	International Public Association 'Panimanie', Belarus;
TEMAIC	TEMA - Information Center;
<i>Regional intergovernmental organization;</i>	
CIS	Executive Committee of the Commonwealths of the Independent States;
CoE	Council of Europe; <i>CoE GRECO</i> - Contribution by Group of States against Corruption; <i>CoE PACE</i> - Parliamentary Assembly. Situation in Belarus. Report by the Political Affairs Committee, Doc. 11939; <i>CoE – Capacity Building Division</i> . Contribution for UPR by the Legal and Human Rights Capacity Building Division of the Directorate General of Human Rights and Legal Affairs.

- <sup>2</sup> JS2, p. 2.  
<sup>3</sup> AI, p. 7.  
<sup>4</sup> CSW, p. 1.  
<sup>5</sup> PANIMANIE, p. 2.  
<sup>6</sup> AI, p. 7.  
<sup>7</sup> PANIMANEE, p. 2.  
<sup>8</sup> BAUNESCOC, p. 2.  
<sup>9</sup> BPAV, p. 2.  
<sup>10</sup> JS2, p. 2.  
<sup>11</sup> BAUNESCOC, p. 2.  
<sup>12</sup> BCF, p. 2.  
<sup>13</sup> BAACYPD, p. 2.  
<sup>14</sup> CIS, p. 1.  
<sup>15</sup> BYWCA, p. 5.  
<sup>16</sup> BCF, p. 1, see also CNFV, p. 2.  
<sup>17</sup> CNFV, p. 2.  
<sup>18</sup> JS2, pages 11.  
<sup>19</sup> JS2, p. 1.  
<sup>20</sup> JS2, p. 1.  
<sup>21</sup> ICJ, p. 6.  
<sup>22</sup> AI, pages 7.  
<sup>23</sup> JS2, p. 1.  
<sup>24</sup> ICJ, p. 6.  
<sup>25</sup> ICJ, p. 6.  
<sup>26</sup> FL, pages 5.  
<sup>27</sup> JS2, p. 11.  
<sup>28</sup> BYWCA, p. 5.  
<sup>29</sup> BAUNESCOC, p. 2.  
<sup>30</sup> JS2, p. 11.  
<sup>31</sup> JS2, p. 11.  
<sup>32</sup> GayBelarus, p. 2.  
<sup>33</sup> CoE PACE, Situation in Belarus, para. 17.

- <sup>34</sup> JS2, p. 2. See also AI, p. 3.  
<sup>35</sup> AI, p. 3.  
<sup>36</sup> AI, p. 4, Communication No. 886/1999 and Communication No. 887/1999, Human Rights Committee, Seventy-seventh session, 10 March-4 April 2003.  
<sup>37</sup> JS2, p. 2.  
<sup>38</sup> JS2, p. 2.  
<sup>39</sup> CoE PACE, Situation in Belarus, para. 43.  
<sup>40</sup> AI, p. 7.  
<sup>41</sup> CoE PACE, Situation in Belarus, para. 22.  
<sup>42</sup> ODVV, p. 2.  
<sup>43</sup> JS2, p. 3, see also JS1, pp. 4-5.  
<sup>44</sup> ODVV, p. 3.  
<sup>45</sup> JS2, p. 3.  
<sup>46</sup> AI, p. 7.  
<sup>47</sup> AI, p. 5.  
<sup>48</sup> JS2, p. 3.  
<sup>49</sup> AI, p. 7.  
<sup>50</sup> AI, p. 7.  
<sup>51</sup> ICJ, pp. 5-6.  
<sup>52</sup> GIEACPC, p. 2.  
<sup>53</sup> BYWCA, p. 4.  
<sup>54</sup> JS2, p. 3.  
<sup>55</sup> ICJ, pp. 5-6.  
<sup>56</sup> AI, p. 5, see also JS2, p. 3.  
<sup>57</sup> BYWCA, p. 3.  
<sup>58</sup> BYWCA, p. 3.  
<sup>59</sup> JS2, pp. 3-4.  
<sup>60</sup> JS2, p. 6.  
<sup>61</sup> ICJ, pp. 1-2.  
<sup>62</sup> ICJ, p. 2.  
<sup>63</sup> ICJ, pp. 2-3.  
<sup>64</sup> JS2, pp. 6-7.  
<sup>65</sup> AI, pp. 3-4.  
<sup>66</sup> ICJ, p. 3.  
<sup>67</sup> JS2, p. 4.  
<sup>68</sup> AI, p. 2.  
<sup>69</sup> ICJ, p. 5.  
<sup>70</sup> BCF, p. 2.  
<sup>71</sup> PANIMANIE, p. 2.  
<sup>72</sup> IRPP, p. 1.  
<sup>73</sup> IRPP, p. 2, see also JC, p. 1.  
<sup>74</sup> CSW, p. 3.  
<sup>75</sup> CSW, p. 1.  
<sup>76</sup> Forum 18 News Service, p. 1.  
<sup>77</sup> CSW, pp. 1-2.  
<sup>78</sup> CSW, p. 4.  
<sup>79</sup> CSW, p. 1, see also JC and European Center for Law and Justice.  
<sup>80</sup> IRPP, pp. 3-4, See also TEMAIC, p. 1.  
<sup>81</sup> IRPP, p. 4, See also JC, p. 4.  
<sup>82</sup> CPTI, p. 1.  
<sup>83</sup> CPTI, p. 1. See submission for cases cited.  
<sup>84</sup> Forum 18 News Service, page 5. See submission for cases cited.  
<sup>85</sup> JS1, p. 1.  
<sup>86</sup> JS2, p. 9, see also AI p. 6.  
<sup>87</sup> JS1, p. 1.  
<sup>88</sup> CIVICUS, p. 3.

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90 JS1, p. 2.  
91 CoE PACE, para. 38.  
92 ODVV, p. 2.  
93 CIVICUS, p. 3.  
94 JS2, p. 8 and CIVICUS, p. 3.  
95 BJU, pp. 2 and 4.  
96 JS1, p. 1, see also JS2 p. 8.  
97 JS2, p. 10. See also submission CIVICUS, p. 3; ICJ, p. 4.  
98 JS2, p. 10.  
99 FL, pp. 4-5.  
100 FL, p. 5.  
101 CNFA, p. 3.  
102 BAUNESCOC, p. 2.  
103 JS2, p. 9.  
104 AI, p. 6, see also TEMAIC, p. 1.  
105 FL, p. 4.  
106 JS2, p. 11.  
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108 CIS Executive Committee, pp. 2-4.  
109 CIS Executive Committee, p. 5.  
110 CIS Executive Committee, pp. 6-7.  
111 JS2, p. 12.  
112 BAEE, p. 1 and JS3, p. 2.  
113 BAEE, p. 2 and JS3, p. 3.  
114 BUEE, p. 2 and JS3 p. 3.  
115 JS2, p. 10.  
116 BAEE, p. 2 and JS3, p. 3.  
117 BPAV, p. 2.  
118 BAACYPD, p. 2.  
119 BCF, p. 2.  
120 HRW, p. 2.  
121 JS2, p. 12.  
122 CNFV, p. 1.  
123 JS2, p. 1.  
124 AI, p. 6.  
125 BAUNESCOC, p. 2.  
126 BPAV, p. 3.  
127 PANIMANIE, p. 1.  
128 CoE PACE, Situation in Belarus, summary, p. 1.  
129 CoE PACE, Situation in Belarus, para 11.  
130 JS2, p. 1.
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