

## Universal Periodic Review

(22<sup>nd</sup> session)

### Contribution of UNESCO to Compilation of UN information

(to Part I. A. and to Part III - F, J, K, and P)

#### Belarus

#### I. BACKGROUND AND FRAMEWORK

##### A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i> <i>dd/mm/yyyy</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	12/12/1962, Ratification	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	12/10/1988, Ratification			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	03/02/2005, Approval			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	06/09/2006, Approval			Right to take part in cultural life

## II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

### Right to education

#### Constitutional Framework:

2. **Article 49 of the Constitution of the Republic of Belarus of 1944**<sup>1</sup> provides as follows: “Everyone shall have the right to education. Accessible and free general, secondary and vocation-technical education shall be guaranteed. Secondary special and higher education shall be accessible to all in accordance with the capabilities of each individual. Everyone may, on a competitive basis, obtain the appropriate education at state educational establishments free of charge. [...]”

3. **Article 50** provides that “Everyone shall have the right to use one's native language and to choose the language of communication. In accordance with the law, the State shall guarantee the freedom to choose the language of education and teaching.”

4. Concerning gender equality, **Article 32** stipulates that “Women shall be guaranteed equal rights with men in their opportunities to receive education and vocational training, (...)” Besides, **Article 22** stipulates that “All shall be equal before the law and entitled without discrimination to equal protection of their rights and legitimate interests.”

5. In addition, according to **Article 41**, “Citizens of the Republic of Belarus shall be guaranteed the right to work as the worthiest means of an individual's self-assertion, that is, the right to choose of one's profession, type of occupation and work in accordance with [inter alia] one's (...) education and vocational training, (...)”

#### Legislative Framework:

6. Belarusian legislative framework is composed of:

- a) **1993 Law on Children's Rights**<sup>2</sup> ensures the right for every child to education (**Article 23**) disregarding religious beliefs (**Article 10**).
- b) The **1992 Law on Freedom of Conscience and Religious Organisations**<sup>3</sup> also recognises the freedom of parents to bring up their children according to their religious convictions (**Article 5**) and stipulates the secular character of the educational system (**Article 9**).

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<http://www.unesco.org/education/edurights/media/docs/713362e76844c8d889db9899d0764263bd020af9.pdf>

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<http://www.unesco.org/education/edurights/media/docs/0ca6b191646fd53147def42e2ed60fb92882acc1.pdf>

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<http://www.unesco.org/education/edurights/media/docs/190938c389b7eba4c493f030e2e60e0b1e1362bc.pdf>

- c) According to the **1992 Law on National Minorities**<sup>4</sup>, “A state guarantees the citizens of the Republic of Belarus referring themselves to national minorities to have equal political, economic and social rights and freedoms enjoyed in order established by legislation of the Republic of Belarus in particular: right to receive assistance from state for developing national culture and education; right to use native language, right to choose a language for communication as well as right to freely choose the language for upbringing and education; [...]” (**Article 6**). Besides, “The state in order established by legislation of the Republic of Belarus assists to creating the conditions for development of education and cultures of national minorities by giving necessary money assets from republican and local budgets.” (**Article 8**).
- d) “The **Law on Education** was adopted by the Supreme Council on 29 October 1991 [and amended in 2002]. According to the Law, “The Republic of Belarus guarantees the development of education on a priority basis, the appropriate social and economic conditions for the functioning of the education system, the rights of citizens to receive general and vocational schooling, the transmission of general cultural values, and the protection of intellectual property, talent and culture”.”<sup>5</sup>
- e) “According to the **Law on languages** accepted by the Supreme Soviet of Belarus in 1990 the Belarusian received the status of the State language. Since 1996 by the people referendum the Russian got the status that is equal to Belarusian.”<sup>6</sup> “In July 2012, the section of the Law on Languages concerning minority education was clarified with the adoption of special amendments. Article 21 of the Law provides for the right of persons belonging to national minorities to receive education in their native language, in accordance with national legislation. Where it is in accordance with the desires of pupils, students and their legal representatives, local executive and administrative bodies may decide, with the approval of the Ministry of Education, to establish pre-school and general secondary educational institutions, or classes and groups in secondary educational institutions, in which the education and training are carried out in the language of a national minority, or where the language of a national minority is studied. Article 22 provides that education and training while receiving preschool, secondary or special education "under the conditions and with the approval of the Ministry of Education" can be carried out in a foreign language. Article 23 provides that education and training in vocational schools, and special secondary and higher educational institutions, should be carried out in Belarusian and/or Russian. These provisions are also reflected in the Education Code, at Article 90.”
- f) During the period 2001-2007, the following laws were issued: the **amended Law on Education** (2002); the **Law on Initial Vocational Training** (2004); the **Law on General Secondary Education** (2006); and the **Law on Higher Education** (2007). Another new element implemented since 2003 is the unified state examination, a

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<http://www.unesco.org/education/edurights/media/docs/46e96bc80f82a2172ddfa3ac527e4a5549f36762.pdf>

<sup>5</sup> World Data on Education, IBE, Seventh Edition, 2010/11, p. 3, accessible at:

[http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/Belarus.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Belarus.pdf) (Last accessed on 7 January 2014)

<sup>6</sup> Education in Belarus (National Report of the Republic of Belarus), Ministry of Education of the Republic of Belarus, National Institute for Higher Education, Minsk, 2004, p. 6, accessible at:

<http://www.ibe.unesco.org/International/ICE47/English/Natreps/reports/belarus.pdf> (Last accessed on 8 January 2014)

national test in certain subjects taken by all students at the end of general secondary education.”<sup>7</sup>

- g) “The draft concept of the **Code for Education of the Belarus Republic** was approved in April 2008 by the Council of Ministers with a view to providing an overall education strategy regulating all levels of the education system. The content of the draft Code is based on the approved laws regulating the education system and it is not designed to introduce conceptual changes. According to the Code, the milestones of education policy are compulsory basic education and the transition towards compulsory general secondary education, continuity in education, priority of human values, human rights and the human character of education, which means free choice in teaching methods for trainers and educational institutions. “**The Code of the Republic of Belarus On education of 13 January 2011** regulates the professional training of Belarusian citizens and sets out the legal, organizational and financial basis for the national higher education system. Regulation No 981 of the Council of Ministers of 21 July 2011 approves the rules for recognition of foreign qualifications.”<sup>8</sup>
- h) In line with the **Presidential Decree No. 15 “Of several issues of general secondary education”**, issued on 17 July 2008, the decision has been taken to reintroduce the eleven-year general secondary education structure that was being replaced by the new twelve-year model within the framework of the reform launched in 1996 (in accordance with the Decree the President of Belarus “On the preparation and implementation of general education reform”, issued on 4 January 1996).”<sup>9</sup>
- i) The **Law on State Youth Policy** states that, in education, the relationship between young people and educational institutions and organisations that implement educational programmes is “built on the principles of equality and mutual respect for rights and freedoms” (Article 17).<sup>10</sup>

### **Policy Framework:**

#### **i) General information**

7. The main priorities of Belarus development for 2006-2010 are education and health. They are also recognized by the **National Programme and Development Plan of Belarus until 2020**.<sup>11</sup>

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<sup>7</sup> World Data on Education, IBE, Seventh Edition, 2010/11, p. 4, accessible at:

[http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/Belarus.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Belarus.pdf)

(Last accessed on 7 January 2014)

<sup>8</sup> Fiche pays UE Tempus Programme

[http://eacea.ec.europa.eu/tempus/participating\\_countries/overview/belarus\\_tempus\\_country\\_fiche\\_fin\\_al.pdf](http://eacea.ec.europa.eu/tempus/participating_countries/overview/belarus_tempus_country_fiche_fin_al.pdf)

<sup>9</sup> World Data on Education, IBE, Seventh Edition, 2010/11, p. 5, accessible at:

[http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/Belarus.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Belarus.pdf)

(Last accessed on 7 January 2014)

<sup>10</sup> Law on Youth Policy № 65-3, 2009

ПОЛИТИКИ».

<sup>11</sup> Unofficial translation of the National Report on the Development of Education in Belarus,

[http://www.ibe.unesco.org/National\\_Reports/ICE\\_2008/belarus\\_NR08\\_rus.pdf](http://www.ibe.unesco.org/National_Reports/ICE_2008/belarus_NR08_rus.pdf)

8. “In recent years the Council of Ministers has adopted a number of decisions and resolutions, including the **programme for general secondary education development 2007-2016**, approved on 31 May 2007; the **programme for secondary vocational training development 2006-2010**, approved on 19 August 2006; the **programme for initial vocational training development 2006-2010**, approved on 23 March 2006; and the **2007 draft programme for the development of innovative education 2008-2010 in the perspective of 2015**.”<sup>12</sup>

#### ii) **Inclusive Education**

9. “In Belarus education is offered in two state languages, Belarusian and Russian, and two minority languages, Lithuanian and Polish. However, the Russian-language medium education dominates, which places Belarusian-language speakers (both the titular nation and some national minorities, in particular the Roma minority) and other minority language speakers at a specific disadvantage. Regarding the Belarusian majority, concerns have been expressed as to the reduced opportunities for studying in Belarusian, including at the level of higher education.

10. Regarding national minorities, especially the Roma minority, NGOs report that Belarusian speaking Roma pupils are linguistically behind in Russian classrooms and consequently that their access to higher educational institutions is limited. Reportedly, 50 percent of the Roma population is illiterate: 85 percent do not complete secondary education. There are no schools in Romani and requests voiced by the Roma community to open a Romani-speaking school have been refused. There is no official acknowledgement of this situation either. The Polish community has also expressed concern at the refusal by the Belarusian authorities to grant permission to construct two new Polish-speaking schools.”<sup>13</sup>

#### iii) **Quality education**

11. In February 2014, a roundtable of the European Quality Education Forum was held in Minsk. It focused on Belarus’ higher education with the participation of Viktor Yakzhik, Deputy Minister of Education of the Republic of Belarus and other stakeholders to discuss the national quality of higher education.<sup>14</sup>

#### iv) **Gender equality**

12. Belarus created a **National Council on Gender Policy** and adopted of **the National Plan of Action for Gender Equality for 2011-2015**.<sup>15</sup>

#### **Cooperation:**

13. Belarus is **party** to the 1960 UNESCO Convention against Discrimination in Education since 12/12/1962.

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<sup>12</sup> World Data on Education, IBE, Seventh Edition, 2010/11, p. 4, accessible at:

[http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/Belarus.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Belarus.pdf)

(Last accessed on 7 January 2014)

<sup>13</sup> CARIM-East Research Report 2013/33

<http://www.carim-east.eu/media/CARIM-East-RR2013-33.pdf>

<sup>14</sup> European Quality Education forum roundtable of 2014 on Belarus,

<http://eqe-forum.com/mass-media/line-conference-roundtable-quality-education-republic-belarus.html>

<sup>15</sup> Concluding observations CESCR 2013,

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBLR%2fCO%2f4-6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBLR%2fCO%2f4-6&Lang=en)

14. Belarus reported to UNESCO on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education within the framework of the **Sixth Consultation** of Member States (covering the period 1994-1999). However, it did **not report** within the framework of the:

- a) **Seventh Consultation** of Member States (covering the period 2000-2005)
- b) **Eighth Consultation** of Member States (covering the period 2006-2011)

15. Belarus did not report to UNESCO on the measures taken for the implementation of the 1974 Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- a) **Fourth Consultation** of Member States (covering the period 2005-2008)
- b) **Fifth Consultation** of Member States (covering the period 2009-2012)

16. Belarus did not report to UNESCO on the measures taken for the implementation of the 1976 Recommendation on the Development of Adult Education within the framework of the:

- a) **First Consultation** of Member States (1993)
- b) **Second Consultation** of Member States (2011)

17. Belarus is not party to the 1989 UNESCO Convention on Technical and Vocational Education and Training.

### **Freedom of opinion and expression**

#### Constitutional and Legislative Framework:

18. Freedoms of thought and free expression are guaranteed under Section II Article 33 of the Belarus Constitution (2004).<sup>16</sup>

19. Defamation is considered as a criminal offence under the Belarusian Criminal Code's Article 188, Article 189, Article 367, Article 368 and Article 369. It is punishable by up to 5 years of imprisonment.

20. On 8 January 2012, Law 317-3 in the Code of Administrative Offences was brought into effect. The law followed the adoption of Decree 60 in February 2010. Both laws require ISPs and cybercafés to collect Internet users' personal data and conduct citizen surveillance.

Belarus passed a Law on Information, Informatization and Protection of Information in 2008

#### Media Self-Regulation:

21. The existing professional organizations such as the Belarusian Association of Journalists provide a basis for further development of self-regulatory mechanisms of the media in Belarus which still needs improvement as per the best internationally recognized practices.

#### Safety of Journalists:

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<sup>16</sup> Constitution of the Republic of Belarus (1994) at <http://law.by/main.aspx?guid=3871&p0=V19402875e>

22. UNESCO recorded no killing of journalists in Belarus between 2008 and 2013. However, UNESCO notes the sporadic report of journalists being intimidated, harassed and detained while carrying out their professional work.<sup>17</sup>

### III. RECOMMENDATIONS

#### Right to education

23. **Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on 21 June 2010 (<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/145/21/PDF/G1014521.pdf?OpenElement>).**

In the Report of the Working Group on the Universal Periodic Review of 12 May 2010, various recommendations were made to Belarus.

24. The recommendations formulated during the interactive dialogue and listed below have been examined by Belarus and enjoy its support:

- i) A - 6. Continue strengthening **cooperation between the Government and civil society organizations in promoting and protecting human rights in areas such as education, public health and gender equality among others (Malaysia); promote cooperation between the Government and civil society in the area of human rights protection and promotion (Oman);**
- ii) A - 50. Continue to expand and strengthen the existing efforts in **human rights education (Bhutan); pursue its efforts in the area of human rights education and training, and share its experience in this area with other countries (Morocco);**
- iii) A - 52. Promote human rights education for security and police forces (Djibouti);

25. The following recommendation will be examined by Belarus, which will provide responses in due course, but no later than the fifteenth session of the Human Rights Council, in September 2010:

- iv) A - 14. Take appropriate measures against discrimination against persons belonging to **ethnic minorities**, in particular measures against harassment by police, and allow equal access to education for all persons belonging to minorities (Austria); strengthen its effort to combat and prevent discrimination faced by **the Roma** and ensure their full participation in the creation of mechanisms and adoption of measures to this end (Finland);

#### 26. Analysis

Belarus is cooperating with civil society on education and shares experience with other countries. According to available information, no specific measures have been taken to further include Roma children into the educational system.

#### 27. Specific Recommendations for the second UPR cycle

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<sup>17</sup> According to the following news sources: BBC (dated [16 May 2011](#)), Radio Free Europe (dated [5 July 2011](#)), Reuters (dated [9 August 2012](#)), Charter 97 (dated [22 June 2012](#) and [27 March 2013](#)), Associated Press (date [18 September 2012](#)), and Naviny (dated [18 April 2013](#) and [29 April 2013](#)).

- 27.1. Belarus is encouraged to continue to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.**
- 27.2. Belarus could be encouraged to pursue its efforts to further promote human rights education.**
- 27.3. Belarus could be encouraged to address the insufficient level of education of Roma.**

### **Freedom of opinion and expression**

28. Belarus is recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards<sup>18</sup>.
29. Belarus is encouraged to review the laws which infringes on the rights to privacy of the users including Law 317-3 and Decree 60 in order to be in line with international standards<sup>19</sup>.
30. Belarus must ensure that journalists and media workers are able to practice the profession in a free and safe environment as part of their fundamental human rights in accordance with international standards<sup>20</sup>. It must investigate all attacks on journalists and media workers, and ensure full implementation of the rule of law.

### **Cultural rights**

31. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)<sup>21</sup> and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Belarus is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Belarus is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

### **Freedom of scientific research and the right to benefit from scientific progress and its applications**

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<sup>18</sup> See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87<sup>th</sup> Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

<sup>19</sup> See for example, United Nations General Assembly Resolution A/RES/68/167.

<sup>20</sup> See for example, UN General Assembly Resolution A/RES/68/163 and Human Rights Council Resolution A/HRC/21/12

<sup>21</sup> See UNESCO. 2012. Belarus Periodic Report on the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage.

32. With regard to contribution of science and technology to development, Belarus is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and the proposed revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.