

Country session: Belarus

Date of session: 20-21 January 2020 (83rd session)

Background information

[OHCHR press release](#)

Webcast: [first part](#) and [second part](#)

[Audio file](#)

Reporting

Reporting methodology

Standard reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report

Common core document	
Initial submission	15 December 2011
Updated document	20 November 2015
Annexes	11 April 1995

CRC	
No. of report	5 th and 6 th
Due date	30 Oct 2017
Submission	13 Jul 2018

Written replies	
Submission	18 December 2019
Due date	15 October 2019

Public reports from children's rights defenders

[Alternative reports and additional information](#)

NGOs	<ul style="list-style-type: none"> • Anti-Discrimination centre memorial • Global Initiative to End All Corporal Punishment of Children • International Centre for civil initiatives "Our House" • Ponamie on behalf of National Coalition
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State delegation

The [delegation](#) of Belarus was large and multisectoral. It consisted of Representatives of the Ministry of Education; the Permanent Representative of the Republic Belarus to the United Nations Office at Geneva; the Prosecutor-General; the Educational institution “Belarusian State Pedagogical University named after Maxim Tank”; the Brest Regional Executive Committee; the Supreme Court, the National Centre of Legislation and Legal Research; the Ministry of Interior; the Ministry of Health; the Ministry of Labor and Social Protection; the Ministry of Foreign Affairs; the Permanent Mission of the Republic of Belarus in Geneva and The Minsk State Linguistic University.

Committee’s Task Force members

Name & Last Name	Country
Velina Todorova (coordinator)	Bulgaria
Renate Winter	Austria
Amal Aldosseri	Bahrain
Aïssatou Alassane Moulaye Sidikou	Niger

Dialogue description

i. Character of the dialogue

The dialogue held in an interactive and constructive atmosphere. The State’s delegation provided a lot information, but the Committee insisted to have more clarifications and data on some issues.

ii. General assessment made by the Committee

The Committee welcomed the State party for the measures taken for the best interest of children, such as the adoption of the Law on Granting of Refugee Status, Subsidiary Protection, Asylum and Temporary Protection to Foreign Nationals and Stateless Persons, in 2016, that strengthened the asylum system and the recommendation resulting from the 2018 research to integrate the principle of the best interests of the child into the legislation regarding forced migration. The Committee was aware that changes need time to be effective, notably when they required a change in the population’s opinion but stressed that still a number of issues need to be addressed and hoped that in the next State party’s review there will be more considerable improvements.

iii. Main issues discussed:

- **Children involved in drug-related crimes:** The Committee was concerned about the hardening of the policy and the detention conditions for people convicted of drug related crimes and asked how the implementation of this policy was applied to minors. The delegation stated that the changes in the legislation for drugs related crimes, were a response to an upsurge in the use of drugs, particularly amongst children. The drug policy and related measures has been effective allowing a stabilization of the drug situation and the absence of case of fatal drug overdose by a minor since 2015. The amendment consisted in the increasing of range of responsibility and more discretion for courts in determining the degree of criminal responsibility, including for minors. Additionally, there have been a mitigation of punishments against minors for drug use.

- Juvenile in prison:** The Committee enquired about the conditions of detention for minors in Belarus and asked whether the government envisaged the amendment of children detention for minor crimes, also considering the use of alternative measures to custody. The delegation responded that juveniles were detained only for grave crimes when strictly necessary and no alternative measures were possible. The delegates underlined that in the last years there has been a drop in number of minors in detention thanks to the new criminal code, allowing different measures alternatives to detention. Moreover, for detained minors there is the possibility to appeal to the right to amnesty. The law on amnesty published in 2018, provide that minors who had not committed a serious crime could serve their sentence outside of institutions and those that had committed a serious crime would see their sentences reduced.

Concerning detention conditions, minors have the right to seek legal assistance, to see their families and secondary education is guaranteed. Finally, the commission of children affairs have the competence to address all issues regarding minors' inmates.
- Separation of children from their families:** The Committee asked what support was given to families to prevent family separations and what were the procedures and the authorities concerned for the removal of a child from his family. The delegation responded that the national approach consists first in conducting preventive activities with families facing social issues as the government sought to prevent the separation of children from their families. Prior to the imposition of removals, professionals, such as psychologists, provided support to the family, aiming to improve the situation and thus avoid the separation. The decision to remove the child is a measure of last resort that can be imposed by courts only when there is a real and serious threat to the child's wellbeing and all other options had been exhausted. Moreover, in January 2019 was adopted a law that specifies the criteria and the indicators to assess social risks for minors. When a removal did occur, the children were not put in institutions, but rather in foster homes and the decisions to appeal to deprivation of parental rights are only taken by courts.
- Violence against children:** The Committee expressed serious concerns on the recurrence of violence against children asking what services are in place for children victims of sexual abuse. The Committee experts welcomed the establishment of a helpline but stressed that the government needs to ensure the implementation of the existing legislation. Furthermore, the law banning corporal punishment in all settings had been vetoed so a question was raised on how the government is tackling the issue of corporal punishment on children. The delegation responded that still a considerable number of children are victims of domestic violence, so the government is focusing on awareness-raising work and early interventions. The delegates stated that education authorities are carrying out activities to prevent violence against minors, 40 pedagogical centres had created drop-in rooms for adolescents, hoping to shape a culture of non-violence in society. All reports of violence led to fast responses by the Ministry of Education. Currently, any form of violence against children is unacceptable and condemned by the society.
- Children with disabilities and inclusive education:** The Committee regretted the absence of a specific national law on children with disabilities, encouraging the State Party to consider the definition of disability provided in the Convention on the Rights of Persons with Disabilities. The Committee were particularly concerned on children with disabilities facing discrimination and asked what measures are putted in place to protect them. Furthermore, the Committee enquired on the development of the national inclusive education plan and access to mainstream education for children with disabilities. The State party responded that a lot of programs have been set up in order to ensure that inclusive education is granted. For children with disabilities there are special conditions measures provided as specialized transportation for those living in rural areas or additional sign-language classes for those with hearing disabilities. Moreover, the Government is working toward reducing the number of specialized schools, closing them or transforming them into centers for parental support and children preparation to be transferred to regular schools.
- Child participation:** The Committee asked for more clarifications about the access to allocated budget for small youth organizations and how the government guarantee a democratic process for children from all realities being represented in the youth parliament. Belarus delegation responded that to promote the

participation of children and young people in decision-making processes, as well as in the development and implementation of socioeconomic programs at the local level, youth consultation and advisory bodies had been established, such as youth parliaments and the Public Republic Student Council. In 2019, the members of the Public Republic Student Council had become active participants in discussions surrounding the development of a draft law on change to the education code and a draft Strategy of Public Youth Policy Development 2030.

- **Migrants and asylum-seeker children:** The Committee enquired about the situation of migrant children, asking whether the Government envisage amending legislation to put an end to the detention of children based on their migratory status and considering non-custodial measures. The delegation stated that the situation of minors who have refugee's status is regulated by an individual law providing that refugees and stateless minors are treated on the same basis of children citizens of Belarus. They have the right to education and to receive health care. Furthermore, measures of protection for unaccompanied minors are putted in place and Belarusian citizenship can be granted upon application to abandoned child.

Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew attention to the need for urgent measures concerning the following areas:

- **Violence, including corporal punishment:** The Committee urges the State party to explicitly prohibit corporal punishment, in law and in practice, in all settings; to resume consideration of the draft law on domestic violence, in broad consultation with civil society, with a view to its adoption; to establish liability for all forms of violence against children, including psychological abuse and physical forms of violence that do not leave physical marks; to formulate, with the involvement of children, a comprehensive strategy for preventing, combating and monitoring all forms of violence against children, including bullying and online violence, with particular attention to LGBT children and children with disabilities.
- **Sexual exploitation and abuse:** The Committee urges the State party to take all measures necessary to prevent and respond to all manifestations of child sexual exploitation and abuse, including online, pornography and grooming, especially in relation to boys and children with disabilities; identify the root causes of the significant increase in online abuse; and strengthen the professional capacity and software tools to detect and investigate it; to conduct awareness-raising activities to alert society, parents and schools on the harmful effects and possible criminal nature of any sexual relationships between children and adults and on online risks; to ensure that child sexual abuse is promptly reported, investigated and prosecuted, applying a child-friendly and multisectoral approach.
- **Family environment and children deprived of family environment :** The Committee urges the State party to consider creating a unified structure coordinating child and family assessment by restructuring and strengthening the Social Pedagogical Centres and Territorial Social Protection in order for them to undertake professional social work assessment of children and their families; to ensure that children are separated from their family only if it is necessary for their best interests and subject to judicial review and that poverty and disability should never be justification for removing a child from parental care; to ensure that the deprivation of parental rights is used as a last resort and solely in the best interests of the child. The Committee also recommends that the State party adopt, with the involvement of civil society, a comprehensive strategy on child care reform as integral part of the 2021-2025 state programmes and strengthens the family-based alternative care responses with particular attention to children with disabilities; direct efforts towards enabling children to remain in or return to the care of their parents.
- **Children with disabilities:** The Committee urges the State party to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and adopt a single definition on disability based on CRPD and making use of the International Classification of Functioning and

Health of Children and Youth; organize a systematic and comprehensive data collection on children with disabilities, including in education; strengthen support to parents of children with disabilities to ensure their right to grow up in a family environment; develop family-based care solutions for children with disabilities deprived of a family environment.

- **Child justice:** The Committee reiterates that the State party should establish a comprehensive system of child justice with specialised courts, procedures and trained judges, lawyers and law-enforcement professionals. It also urges the State party to ensure, in law and in practice, the provision of qualified and independent legal aid to children, alleged or accused of, or recognized as, having infringed criminal law, from the beginning of the investigation; strengthen the prevention of crime and reoffending among children, with particular attention to girls; promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences and as a priority, the use of noncustodial sentences, such as probation or community service.

The Committee also drew the State party's attention to the recommendations concerning the following areas:

- **General measures of implementation:** Legislation; comprehensive policy and strategy; coordination, allocation of resources; data collection; independent monitoring; dissemination; awareness-raising and training; cooperation with civil society; children's rights and the business sector.
- **Definition of the child**
- **General Principles:** Non-discrimination; best interests of the child; respect for the views of the child.
- **Civil rights and freedoms:** Nationality; Right to privacy.
- **Violence against children:** Violence, including corporal punishment; sexual exploitation and abuse; harmful practices.
- **Family environment and alternative care:** Family environment; children deprived of a family environment; children of incarcerated parents.
- **Children with disabilities**
- **Basic health and welfare:** Health and health services; mental health; adolescent health; standard of living.
- **Education, leisure and cultural activities:** Education, including vocational training and guidance; Human rights education; rest, leisure, recreation and cultural and artistic activities.
- **Special protection measures:** Children in a situation of migration; economic exploitation, including child labour; sale, trafficking and abduction; administration of child justice.
- **Ratification of the Optional Protocol on a communications procedure**
- **Ratification of international human rights instruments**
- **Cooperation with regional bodies**

Sustainable Development Goals

Throughout its Concluding Observations the Committee referred to the following targets:

- 1.3 on implementing nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable

Next State report

CRC	
No. of report	7 th and 8 th
Due date	30 October 2025

Disclaimer: Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.