



Convention on the Rights of the Child

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Committee on the Rights of the Child

Combined fifth and sixth periodic reports submitted by Belarus under article 44 of the Convention, due in 2017^{*, **}

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* The present document is being issued without formal editing.

** The annexes to the present report are on file with the secretariat and are available for consultation. They may also be accessed from the web page of the Committee on the Rights of the Child.



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Introduction

1. Pursuant to article 44 of the Convention on the Rights of the Child, the Republic of Belarus hereby submits its combined fifth and sixth periodic reports on the implementation of the Convention, the Optional Protocol thereto on the sale of children, child prostitution and child pornography and the Optional Protocol thereto on the involvement of children in armed conflict.
2. This report has been prepared in accordance with the treaty-specific guidelines regarding the form and content of periodic reports to be submitted by States parties under article 44, paragraph 1 (b), of the Convention on the Rights of the Child (CRC/C/58/Rev.3) and taking into account the Committee's concluding observations on Belarus, including those made following consideration of its combined third and fourth periodic reports in April 2011 (CRC/C/BLR/CO/3-4).
3. The report has been drafted by the Ministry of Foreign Affairs in collaboration with the Ministry of Education, the Ministry of Health, the Ministry of Information, the Ministry of Justice, the Ministry of Internal Affairs, the Ministry of Defence, the Ministry of Labour and Social Protection, the Supreme Court, the Office of the Procurator General, the Investigative Committee, the National Centre for Legislation and Legal Research, the National Statistical Committee and the Office of the Commissioner for Religious and Ethnic Affairs.
4. The report contains information on legislative, administrative and other measures taken in the Republic of Belarus to give effect to the Convention and the two Optional Protocols thereto. It reflects changes that have occurred during the reporting period, progress in promoting and protecting the rights and legal interests of children, and the challenges that remain.
5. Detailed information on how the Republic of Belarus is upholding specific categories of human rights is given in periodic reports submitted to other human rights treaty bodies and universal periodic review documents:
 - Common core document (HRI/CORE/BLR/2015);
 - National report for the universal periodic review (A/HRC/WG.6/22/BLR/1);
 - Fifth periodic report on the measures taken to give effect to the rights recognized in the International Covenant on Civil and Political Rights (CCPR/C/BLR/5);
 - Combined fourth to sixth periodic reports on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/BLR/4-6);
 - Fifth periodic report on the application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/C/BLR/5);
 - Combined twentieth to twenty-third periodic reports on the application of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/BLR/20-23);
 - Eighth report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/BLR/8);
 - In view of the word limits for reports established in General Assembly resolution 68/268, additional statistical data are annexed separately.

I. General measures of implementation (arts. 4, 42 and 44 (6) of the Convention)

Legislation

Paragraphs 8 and 9 of the Committee's concluding observations

6. Information on domestic legislation adopted up to 2008 to give effect to the Convention is contained in paragraphs 6 to 11 of the combined third and fourth periodic reports of Belarus to the United Nations Committee on the Rights of the Child (CRC/C/BLR/3-4).

7. Work is under way in Belarus to review its domestic legislation and determine whether it is in conformity with the Convention, which establishes the principle that acting in accordance with the child's best interests is a primary consideration. Under paragraph 92 of the 2016–2019 Interdepartmental Plan to implement the recommendations accepted by the Republic of Belarus following the second universal periodic review cycle in the United Nations Human Rights Council and the recommendations addressed to the Republic of Belarus by the human rights treaty bodies (approved by Council of Ministers Decision No. 860 of 24 October 2016), in 2018 the National Centre for Legislation and Legal Research plans to research the principle of acting in accordance with the best interests of the child in international human rights treaties to which the Republic of Belarus is party and in international legal instruments of the United Nations. The aim of this research is to study whether the principle needs to be strengthened in the laws of Belarus concerning forced migration.

8. Belarus has taken note of the Committee's recommendations but does not share the view that there is a need for a comprehensive review of current domestic legislation and related administrative guidance and the transformation of presidential decrees into laws. The Committee has not put forward a convincing argument for such recommendations, given that the legal system functions well and ensures effective protection for children's rights.

9. In Belarus, the basic laws governing the legal status of the child (children) are as follows:

- The Rights of the Child Act;
- The Act on State Social Allowances, Rights and Guarantees for Specific Categories of Citizen (arts. 3 and 10–15);
- The Act on State Benefits for Families Raising Children;
- The Act on Guarantees of Social Protection for Orphaned Minors, Minors Deprived of Parental Care and Young Adults Who Were Orphaned or Deprived of Parental Care as Minors;
- The Act on the Fundamentals of State Youth Policy;
- The Act on the Fundamentals of the System for Preventing Child Neglect and Juvenile Delinquency;
- The Citizenship Act (arts. 13 (3), 15 (2), 23 (2) and 24);
- The Act on the Granting of Refugee Status, Subsidiary Protection, Asylum and Temporary Protection to Foreign Nationals and Stateless Persons in Belarus (arts. 14, 15, 32, 34, 40 and 45 (3));
- The Education Code, the Marriage and Family Code (chaps. 15–17), the Code of Criminal Procedure (arts. 123, 221, 332, 429, 430, etc.) and others.

10. As a rule, individual provisions of decrees of the Head of State concerning children's rights and interests are also incorporated into corresponding laws; provided that these decrees contain no other provisions that still apply, they will subsequently be recognized as no longer being in force (for example, Presidential Decrees No. 15 of 17 July 2008 on certain matters relating to secondary education, No. 12 of 13 June 2008 setting

levels for social benefits, and No. 3 of 9 March 2005 on various measures to combat human trafficking).

11. During the reporting period, work has continued to improve domestic legislation in the interests of children.

12. On 22 September 2017, the Council of Ministers issued Decision No. 710, approving the 2017–2021 National Action Plan to Improve the Situation of Children and Safeguard Their Rights (the National Children’s Rights Plan). This Plan is a programme document intended to give effect to the Convention on the Rights of the Child in Belarus and to create conditions whereby the rights and legal interests of children are protected and children and young people can participate freely and effectively in the political, social, economic and cultural development of the State and society.

13. The Ministry of Education is responsible for coordinating work under the National Children’s Rights Plan. The National Commission on the Rights of the Child monitors its implementation.

14. On 1 July 2017, the Act of 11 May 2016 amending certain acts of the Republic of Belarus came into force; it regulates the protection of children from information that may be harmful to their health or development. The Act provides for amendments to the Rights of the Child Act, the Advertising Act, the Mass Media Act, the Information, Information Systems and Data Protection Act and the Publishing Act, in accordance with which the distribution of information products (excluding certain types) within the territory of the Republic of Belarus, including materials produced outside Belarus, is permitted only if they carry an age group designation.

15. On 24 October 2016, in Decision No. 860, the Council of Ministers approved the country’s first National Human Rights Plan: the 2016–2019 Interdepartmental Plan to implement the recommendations accepted by the Republic of Belarus following the second universal periodic review cycle in the United Nations Human Rights Council and the recommendations addressed to the Republic of Belarus by the human rights treaty bodies (“the 2016–2019 Interdepartmental Plan”). This Plan is a programme document intended to help the Republic of Belarus meet the international obligations it has assumed in the field of human rights.

16. Paragraphs 47 to 53 of the section of the Plan entitled “The right to private life, family and marriage and children’s rights” aim to improve conditions for children and young people. In particular, they include provisions on measures intended to strengthen family values; provide those children who need it with alternative care that simulates a family environment; prevent suicide among young people; allow for analysis of judicial and investigative practices in cases involving crimes against the individual liberty, honour and dignity of minors; and so on.

Coordination

Paragraphs 10 and 11 of the Committee’s concluding observations

17. The main responsibility for coordinating activities to implement the Convention and Optional Protocols rests with the Ministry of Education, in accordance with Council of Ministers Decision No. 877 of 21 November 2017. Under the 2016–2019 Interdepartmental Plan, the Ministry of Foreign Affairs coordinates work on the timely preparation of reports to human rights treaty bodies and the national report for the third universal periodic review cycle; it also presents (defends) these documents, with input from interested State bodies.

18. In Belarus there are various types of mechanism for coordinating activities among ministries. They include interdepartmental working groups formed to undertake specific tasks; meetings; councils; organizing committees; and so on.

19. The task of coordinating efforts to protect the rights and legal interests of children falls to the National Commission on the Rights of the Child. In line with the Regulations on the National Commission (approved by Presidential Decree No. 675 of 16 November 2006), the Commission oversees and evaluates the activities of State bodies and other

organizations that protect the rights and legal interests of children and the implementation of State programmes to support children and families.

20. During the reporting period, work has been undertaken to improve the activities of the National Commission. Presidential Decree No. 675 of 16 November 2006 has been amended accordingly.

21. The National Commission formulates State policy on protecting the rights and legal interests of all groups of children and monitors and coordinates the activities of State bodies, local executive and administrative authorities and other organizations to create conditions in which the rights and legal interests of children may be exercised.

22. The question of whether the functions of the National Commission on the Rights of the Child should be merged with those of the commissions for minors is being studied.

23. The National Commission on the Rights of the Child has been actively fulfilling its mandate. It has met 14 times, examining a wide range of issues and problems. The National Commission has continued to collaborate with public associations, religious organizations, academia, psychologists, lawyers and other partners.

24. Since 2011, the National Commission has initiated the drafting of 10 laws on the exercise of the rights and legal interests of children.

25. The following information relates to the application of the two Optional Protocols.

26. The issues addressed in the two Optional Protocols are fully regulated in law.

27. Under the Criminal Code of the Republic of Belarus, the following actions are punishable as criminal offences if committed against a minor:

- Organizing and/or making use of prostitution or promoting prostitution (art. 171 (2));
- Enticement into prostitution or forcing others to continue to engage in prostitution (art. 171¹);
- Trafficking in persons (art. 181 (2) and (3));
- Using slave labour (art. 181¹ (2));
- Abducting a person for the purposes of exploitation (art. 182 (2));
- Knowingly involving a minor in the production of pornographic materials, printed matter or cinema or video films or scenes with pornographic content, or other items of a pornographic nature that depict the minor (art. 343¹ (2) and (3)).

28. In the event of an attempt to commit any of the acts covered by the Optional Protocol on the sale of children, child prostitution and child pornography, or complicity in or involvement as an accessory to the commission of any such acts, articles 13, 14 and 16 of the Criminal Code apply, in accordance with domestic legislation.

29. Violating norms of international humanitarian law in times of armed conflict by recruiting persons below the age of 15 into the armed forces or allowing them to take part in armed activities, or by recruiting persons below the age of 18 into armed groups separate from the armed forces of the State or using them in armed activities as part of such armed groups, are offences under article 136 (5) and (6) of the Criminal Code.

30. Under article 33 of the Rights of the Child Act of 19 November 1993, it is forbidden to recruit minors to take part in hostilities or otherwise make use of them in armed conflict, to promote war or violence among children, or to form children's paramilitary units.

31. Article 33 of the Military Duty and Military Service Act of 5 November 1992 stipulates that conscription to military service applies to male persons who have reached the age of 18. Under article 42 of this Act, a contract to perform military service may be concluded with male citizens who have reached the age of 18 and with female citizens who have reached the age of 19.

32. The following bodies are competent to oversee military education establishments (educational institutions and military faculties or departments within higher education establishments):

- The Ministry of Defence (general supervision);
- The Military Education Department of the Armed Forces (direct supervision of military faculties and departments within higher education establishments and specific areas of activity of education establishments reporting to the Ministry of Defence).

33. Individuals below the age of 18 may enter military service voluntarily under article 43 of the Military Duty and Military Service Act of 5 November 1992, in accordance with which citizens aged 17 or above, including those who will reach the age of 17 during the year of entry, are entitled to apply and be accepted, on a competitive basis, for entry into military education establishments.

National plan of action

Paragraphs 12 and 13 of the Committee's concluding observations

34. The Government of Belarus approved the 2017–2021 National Plan of Action to Improve the Situation of Children and Safeguard Their Rights, which is a programme document spanning all the issues covered by the Convention and its Optional Protocols.

35. With a view to ensuring full and effective implementation of the National Children's Rights Plan, an accountability mechanism has been set up, whereby those primarily responsible for implementing the Plan in practice provide information to the Ministry of Education, which in turn provides an outcome report to the Government by a set date (20 March annually).

36. Measures under the National Plan are funded from resources allocated to State bodies and local executive and administrative authorities from the national and local budgets and other sources not prohibited by law.

37. The National Plan was developed with expert advice from the office of the United Nations Children's Fund (UNICEF) in Belarus. A draft of the Plan was opened up to consultation, including with representatives of civil society and children. Many suggestions were taken into account in the final version of the document.

38. Also in the period 2012–2016, Belarus saw the implementation of the 2012–2016 National Plan of Action to Improve the Situation of Children and Safeguard Their Rights, which contained measures intended to create the best conditions for children, improve their health, instil habits for a healthy lifestyle, improve their quality of life, promote a positive image of the modern family, maternity and paternity, etc. The Plan was implemented successfully, and its outcomes were taken into account in drafting the 2017–2021 Plan.

39. A legal and socioeconomic platform has been put in place to support families and children and a number of normative legal acts have been passed with the aim of enhancing social protection for families.

40. Measures have been taken to prevent the spread and use of psychoactive substances and stop children ending up in crisis situations, resulting in a 71 per cent reduction in adolescent tobacco use and a decrease of 38 per cent in the number of suicide attempts among minors over the last decade.

41. Significant progress has been made in tackling the deinstitutionalization of orphans, including children with disabilities and children with physical or psychological development issues. More than 80 per cent of orphaned children have been placed with foster families who are citizens of Belarus, allowing the networks of residential institutions within the education system and health-care system to be scaled back by 56 per cent and 20 per cent, respectively, over the last 10 years. New approaches are being introduced to prepare children who have been brought up in residential institutions, including children with disabilities and children with physical or psychological development issues, for independent living.

42. The child mortality rate has fallen significantly. The indicator for infant mortality is one of the lowest among European countries.

43. Measures to protect children's rights are included in a number of State programmes, such as:

- The Education and Youth Policy, 2016–2020. This programme is designed to ensure access to education, including supplementary education, for children and young people;
- “Health and Demographic Security of the Republic of Belarus”, 2016–2020. This programme is intended to improve conditions for children within a framework of supporting families and creating positive family environments;
- The 2017–2019 Programme to Fight Crime and Corruption, which includes a range of measures to ensure justice for children. In particular, point 1 focuses on improving arrangements for providing special child-friendly questioning facilities in law enforcement buildings and courts, while points 11 to 18 cover plans to mobilize national efforts and promote active international cooperation to tackle human trafficking, illegal migration, and child pornography and prostitution;
- The Comprehensive Plan of Measures for 2017–2018 to Prevent Illicit Drug Trafficking, which includes measures to prevent drug use among children and young people, tackle drug addiction and the drugs trade among minors, and provide social rehabilitation for people suffering from drug addiction.

44. Rather than duplicating one another, the measures set out in current programmes and plans complement one another in addressing issues in the interests of children.

Independent monitoring

Paragraphs 14 and 15 of the Committee's concluding observations

45. In Belarus there is no national human rights institution that conforms to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Belarus is continuing to study the creation of such a body, including from the perspective of analysing how effectively such institutions function in other countries, including within the European Union.

46. Despite the absence of a national human rights institution, 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:

- The National Commission on the Rights of the Child;
- The National Council on Gender Policy;
- The Inter-Ethnic Advisory Council;
- The Interfaith Advisory Council;
- The National Council on Labour and Social Affairs;
- The National Interdepartmental Council on Disability;
- The Interdepartmental Commission on Older Persons, Veterans and Victims of War, established under the Ministry of Labour and Social Protection;
- The Council for the Development of Social and Labour Legislation;
- The Public Coordinating Council on the Mass Media;
- The Public Coordinating Council on the Environment;
- The Public Council on Fighting Corruption;
- The Public Council of the Ministry of Internal Affairs;
- The National Bioethics Committee;
- The Centre for Public-Private Partnership, etc.;
- These bodies include representatives of civil society, which plays a meaningful role in carrying out independent monitoring.

47. In 2011–2012, the National Centre for Legislation and Legal Research sought the views of interested groups, including a number of public associations, on whether it would be beneficial to set up a more appropriate type of national human rights institution and on fundamental aspects of how such an institution should function. The survey revealed mixed opinions on the issue.

48. On 18 July 2014, at the initiative of Belarus, an international seminar was held in Minsk on the topic “National human rights institutions: creation and operation”.

49. On 27 November 2017, an international seminar was held in Minsk on the topic “Children’s rights institutions: global best practice”. This event was organized jointly by the Ministry of Foreign Affairs and the UNICEF office in Belarus and was devoted to protecting the rights of the child in the context of implementing the National Human Rights Action Plan. During the seminar, a wide range of issues relating to the functioning of national children’s rights institutions was discussed. Children’s rights experts and ombudsmen from a number of foreign countries, including Finland, Greece, Iceland, Ireland, the Republic of Moldova, the Russian Federation and the United Kingdom, shared their experience in this area. Members of the United Nations Committee on the Rights of the Child, experts from the Council of Europe and the European Union, and national experts took part in the seminar.

50. The seminar led to broader understanding among national actors, including parliamentarians, representatives of State bodies, academia and youth parliaments, and non-governmental organizations (NGOs), of issues relating to the creation of institutional frameworks for protecting children’s rights and how the institution of a children’s rights ombudsman functions.

51. As part of efforts to implement the 2016–2020 National Human Rights Action Plan, there are plans to continue studying the potential advantages and feasibility of creating a national institution to promote and protect human rights.

52. The system for upholding children’s rights in Belarus has been further developed and strengthened, as recommended by the Committee on the Rights of the Child.

53. Presidential Decree No. 675 of 16 November 2006 (as amended by Decrees No. 202 of 19 May 2011, No. 17 of 11 January 2014, No. 214 of 25 May 2015 and No. 11 of 10 January 2018), on the National Commission on the Rights of the Child, significantly broadens the membership, mandate and tasks of the Commission, which was established in 1996.

54. The Commission includes parliamentarians, representatives of the national and local authorities (mainly senior management), judicial bodies, education establishments and NGOs. In pursuing its activities, the Committee works actively with civil society, religious and other organizations, psychologists and lawyers.

55. The Commission suggests ways of improving social policy and mechanisms to support children and strengthen families, monitors and coordinates the activities of State bodies, local executive and administrative authorities and other organizations involved in ensuring that children can exercise their rights and legal interests, and oversees the implementation of State programmes to support children and families.

56. Officials of the Commission work in every provincial centre in Belarus. The Commission has a public liaison office in every province. Members of the Commission periodically visit to hold “surgeries” for children, their legal representatives and other citizens on respecting, protecting and promoting children’s rights.

57. The Commission monitors the implementation of the Convention on the Rights of the Child, handles complaints from children in a child-sensitive manner, and, if necessary, takes steps to restore children’s rights if they have been violated. In practice, the National Commission on the Rights of the Child functions as an ombudsman’s office for children’s rights.

Allocation of resources

Paragraphs 16 and 17 of the Committee's concluding observations

58. Spending on support for families with children is constantly increasing, including as a proportion of gross domestic product (GDP). In 2017, the amount paid in State benefits to families with children (including benefits for temporary inability to work while caring for a child) was 1,981.7 million roubles, or 1.9 per cent of GDP (in 2014 it was 1,324.0 million roubles, or 1.6 per cent of GDP).

59. Since 2015, in accordance with Presidential Decree No. 572 of 9 December 2014 on additional State support measures for families bringing up children, a long-term support measure has been in place for families with many children: a family lump sum equivalent to \$10,000 is paid upon the birth or adoption of the third and any subsequent children.

60. From 2015 to 1 April 2018, citizens opened 51,300 "family lump sum" deposit accounts with the limited company ASB Belarusbank, totalling \$513.1 million.

61. Within the system of social support for families with children, resources must be allocated to cover State benefits for the birth and upbringing of children, targeted State social assistance (in the form of one-off and monthly benefits and the provision of free food for children for the first two years of life), family lump sums, etc.

Data collection

Paragraphs 18 and 19 of the Committee's concluding observations

62. Taking into account the Committee's recommendations, work has continued to improve the collection of disaggregated data on issues affecting children.

63. In 2012, with support from UNICEF, the National Statistical Committee of Belarus (Belstat) held a fourth round of multi-indicator cluster surveys (MIKS-4) to monitor the situation of children and women. As a result, objective information was obtained on how to safeguard maternal and child health and enhance the development and upbringing of children. The resulting indicators illustrate the state of child nutrition and the spread of child labour, as well as providing information on different early learning activities and the use of violent and non-violent ways of disciplining children within the family.

64. In 2018, Belstat proceeded to hold a sixth round of multi-indicator cluster surveys (MIKS-6). Unlike previous rounds, MIKS-6 included groups of questions seeking information on aspects of life in society that have not been studied statistically, with the aim of filling data gaps to monitor achievement of the Sustainable Development Goals (SDGs).

65. Moreover, in 2018 Belstat embarked on a survey of households with the aim of obtaining a comprehensive overview of the situation of persons with restricted abilities. The results of the survey provide an insight into how fully adults and children whose health restricts their abilities are able to participate in the civil, economic, social and cultural life of society (i.e. their social integration) and into discrimination on grounds of disability.

66. As part of the 2017–2019 Programme to Fight Crime and Corruption (approved by Decision No. 16 of 26 May 2017 of the National Coordinating Body to Fight Crime and Corruption), plans are in place to study the possibility of creating a single integrated resource containing information on crime complaints and reports received, registered and examined, decisions taken by the judicial authorities based on the results of investigations into complaints made, including in respect of crimes against minors or involving the promotion and protection of the rights of minors, and crimes committed by minors or connected with upholding the rights of minors.

67. As part of its departmental statistics reporting, the Ministry of Health collects information on the number of life-threatening injuries, accidents and poisonings in the area covered by each health authority.

68. In order to keep statistics on child abuse and cruelty to children, since 2015 the departmental statistics report form has included a section on injuries caused by violence (including abuse).

69. The normative legal act governing interdepartmental relations between the Ministry of Health and the Ministry of Internal Affairs is Government Decision No. 1192 of 18 December 2014, approving the Regulations on the Procedure for Health-Care Organizations to Provide Law Enforcement Agencies with Information Covered by Medical Confidentiality.

70. Data on women and children infected with HIV are collected by State health-care organizations providing in-patient or out-patient medical treatment and forwarded to the National Centre for Hygiene, Epidemiology and Public Health, which is a State body. Data on the provision of anti-retroviral therapy and prophylaxis and treatment for opportunist infections in adults and children, and on replacement feeding for children born to mothers infected with HIV, are sent quarterly; information on the results of blood tests for HIV and on HIV prevalence is sent monthly. Data on pregnant women infected with HIV who are treated at clinics and children born to mothers infected with HIV are also transmitted, along with other information.

71. The Ministry of Labour and Social Protection, via the electronic reporting form for information on the activities of provincial social services centres, records the number of people who come to these centres suffering from abuse, including those staying in “crisis” accommodation. These data are collected quarterly but are not broken down by sex or age.

72. According to data from the Ministry of Labour and Social Protection, there are 349 places in crisis accommodation, including 140 for children. In 2017, 109 children were living in crisis accommodation with their parents.

73. Under article 40 of the Occupational Safety and Health Act, the Department for State Labour Inspection of the Ministry of Labour and Social Protection is responsible for monitoring compliance with occupational safety and health legislation and investigating industrial accidents involving workers, including minors. According to the Department’s data, in 2017 one worker under the age of 18 was killed in Belarus as a result of an industrial accident. In 2016, there were no deaths of workers under the age of 18.

74. Data on orphans and children deprived of parental care are collected in accordance with Belstat Order No. 120 of 29 September 2017, approving State statistical report form “1-care (Ministry of Education): Reporting on identification and placement of orphans and children deprived of parental care and certain matters relating to protecting the rights of children and young people” and instructions for completing it.

75. General collection of statistical information for the organizations under Ministry of Internal Affairs is carried out by its information and analysis unit. Additional data collection is undertaken by units of each department for the areas they work in. The Ministry’s central unit for drug control and fighting human trafficking is the main focus for reporting on the number of children suffering from sexual abuse and labour or sexual exploitation.

76. The principal source of data on the ethnic make-up of the population of Belarus is the census. In the 2009 census, as on previous occasions, all permanent residents of Belarus, including gypsies, were asked about their ethnicity.

Dissemination, training and awareness-raising

Paragraphs 20, 21 and 22 of the Committee’s concluding observations

77. In Belarus, the necessary attention is devoted to raising awareness of the Convention on the Rights of the Child throughout society, including among children and their parents.

78. Thus, as part of developing a system of legal education for minors, the National Centre for Legal Information maintains an information resource on legal topics created for children and young people in the form of a website on law for children (mir.pravo.by).

79. In 2017, the Centre worked with the United Nations Educational, Scientific and Cultural Organization (UNESCO) on a project entitled “Making children and adolescents aware of their rights through adapted information materials”. As part of the project, seminars were held in the various provinces between September and December 2017 to increase awareness about the information and games to be found on the website, in the hope that these resources will be used actively to educate children and young people and build a legal culture.

80. Beginning in 2017, the Ministry of Foreign Affairs and UNICEF have been working on a joint event called “Partnership for Children”, timed to coincide with the celebration of International Children’s Day on 1 June. A wide circle of representatives of State bodies, international organizations, NGOs, business, parliament, the media and other partners take part in this event. The main participants in the celebration are children, including orphans and children with physical or psychological development issues.

81. The Ministry of Foreign Affairs holds traditional meetings with schoolchildren from the Zubrenok national children’s education and health centre. During these meetings, schoolchildren are taught about international initiatives to promote and protect children’s rights. At one of these meetings, held in June 2018 with UNICEF participation, there was a discussion on how young people can help Belarus achieve the SDGs.

82. Belarus provides systematic training for experts working with children, including advanced training.

83. Among the further training it provides in a wide range of specialisms (pastoral education science, preschool education, integrated study, etc.), the Academy of Postgraduate Education, a State education establishment, has a study programme on “Social and legal protection of children”. This programme includes mastering the theoretical, legal and methodological foundations of safeguarding the rights of the child. Completing the programme gives specialists a command of the knowledge needed to work in the field of preventing violations of children’s rights and protecting the most vulnerable children (orphans and children deprived of parental care, children with physical or psychological development issues, children in socially vulnerable situations or other difficult circumstances, etc.).

84. The Academy regularly holds advanced training courses on specific topics for child protection specialists in the education, sport and tourism departments and units of municipal and district councils. Programmes have been developed to provide advanced training for managers and specialists in education departments, including on the topic “Legal and methodological approaches to protecting the rights and legal interests of children”.

85. In 2014–2017, the “Training and further training in diversity for teachers and education managers” international technical assistance project of the European programme for cooperation in education (TEMPUS) was carried out.

86. Training for specialists of the internal affairs authorities involved in preventing child abuse and the exploitation of children is provided through the International Study Centre for Training, Further Training and Advanced Training for Staff Working in Migration and Fighting Human Trafficking of the Academy of the Ministry of Internal Affairs. With assistance from international experts, education courses have been developed on preventing the sale of children, paedophilia and child pornography on the Internet and on rehabilitation for minors who have been victims of human trafficking.

87. In February and March 2017, 32 officials from the law enforcement agencies took part in a course on “Coordinating interdepartmental cooperation in protecting children from violence”, organized through the Ministry’s Academy with the participation of experts from the United Kingdom.

88. In March and July 2017, representatives of the law enforcement agencies from all provinces took part in Technical Assistance and Information Exchange (TAIEX) seminars on “Best practice and challenges in preventing paedophilia on the Internet”, run by the Ministry of Internal Affairs and the Investigative Committee in conjunction with the European Commission.

89. In 2017, as part of a project entitled “Conducting joint activities with the Investigative Committee of Belarus to safeguard the rights and legal interests of child victims of sexual abuse or the sale of children in the Republic of Belarus”, six regional thematic seminars were organized through the provincial investigative committees, with the participation of representatives of the investigative authorities, prosecution authorities, regional internal affairs departments, education departments, lawyers, social psychologists, NGOs and other partners.

90. In order to ensure continuing professional development for Investigative Committee officials, at least four study sessions on topical issues in the area of investigating criminal cases involving human trafficking and related crimes, including child pornography, are held annually through the Belarusian State University Institute for Further and Advanced Training for Judges, Prosecutors and Other Judicial Officers.

91. A number of civil society associations, including the Belarus Union of Journalists and the Belarus Association of Journalists, have adopted a Code of Professional Ethics for Journalists and a Code of Journalism Ethics, containing guidance on ethical standards for journalists in the area of fundamental human rights, including the rights of the child, and establishing that the journalist has a social responsibility towards readers, viewers, listeners and society as a whole.

92. The leading State print and electronic media are spreading awareness of the need to respect children’s rights, educate children and adolescents, build child–parent relationships and promote independence for children and young people.

93. Press events organized by the Dom pressy (“House of the Press”) press centre (a State unitary enterprise), with the participation of representatives of the State authorities, public associations and experts, help to ensure that the information provided is up-to-date.

Cooperation with civil society

Paragraphs 23 and 24 of the Committee’s concluding observations

94. Belarus has taken note of the Committee’s position concerning the country’s current procedures for registering NGOs.

95. The legal and administrative basis for the creation and operation of public associations is laid down in the Public Associations Act of 4 November 1994. Under article 7 (2) of this Act, unregistered public associations and unions are prohibited from pursuing their activities within the territory of Belarus. This approach is intended to streamline the activities of such organizations and reduce the number of offences in this area and cannot be viewed as an unnecessary restriction on organizations’ activities.

96. In February 2014, the Act of 4 November 2013 amending certain acts on matters relating to the activities of political parties and other public associations came into force. The main aim in drafting this Act was to simplify the procedure for creating and dissolving public associations and political parties, taking into account practice in applying the relevant legislation.

97. Previously, in order to found a national public association, 50 founder members were required: 10 each from four of the country’s provinces and 10 from the city of Minsk. It has been difficult for some public associations to meet this requirement. In a number of cases, the majority of those most actively involved in setting up such associations live either in Minsk or within a single province (e.g. public associations of specialist physicians, such as neurologists and cardiologists, or veterinarians, and public associations representing ethnic minorities).

98. The Act also contains provisions to simplify the procedure for State registration of amendments to the statutes of public associations and political parties, dissolving public associations and political parties, and registering administrative units thereof.

99. The upshot of this Act being adopted is that people are becoming more active in founding public associations and that a number of public associations are operating across a wider geographical area.

100. Article 15 of the Act sets out certain legal requirements, by virtue of which a refusal to grant State registration to a public association does not prevent the documentation required for registration from being resubmitted if the grounds for refusal have been properly addressed. The application for State registration is resubmitted and a decision taken in accordance with the procedure established in the Act.

101. Since 1 January 2010, the Ministry of Justice has reduced the fees levied in connection with State registration by 60 per cent. Specifically, the fees for national and international public associations have been reduced from 25 to 10 basic units; for local public associations, they have been lowered from 10 to 5 basic units.

102. Under article 257 (8) (4) of the Taxation Code (Special Section), national and local public associations for children and young people, and unions (associations) thereof, are exempt from the fees for State registration of themselves, their logos and amendments to their statutes, for the issue of duplicate registration certificates or certified copies of their statutes annotated to indicate that they have been registered, and for State registration or listing of their administrative units.

103. In respect of the recommendations concerning article 193-1 of the Criminal Code (“Unlawful organization of a public association, religious organization or fund or participation in the activities thereof”), it should be noted that this provision is essentially preventative in nature. Since it came into force, only a handful of people have been charged with the acts it criminalizes.

104. As at 1 January 2018, a total of 2,856 public associations were registered in Belarus: 223 international, 762 national and 1,871 local. In 2017 alone, 150 new public associations were registered: 6 international, 27 national and 117 local.

105. Among the registered public associations for children or working with children, there are 26 children’s organizations, 796 physical activity or sports organizations, 399 charity organizations, 248 educational, cultural and recreational organizations, and 338 youth organizations.

106. On 22 November 2017, the Ministry of Justice held a seminar on “The role of Belarusian public associations in safeguarding motherhood, childhood and the family”. In addition to representatives of the Ministries of Labour and Social Protection, Education and Health, the event was attended by representatives of more than 30 public associations that aim to protect motherhood and childhood, strengthen the family, assist families with many children, and support children, including children with physical or psychological developmental issues. The event aimed to focus attention on increasing the prestige accorded to motherhood and the family and creating positive conditions for giving birth to and raising children.

107. The youth and children’s public associations with the most members are the Belarus National Youth Union, the Belarus National Pioneers Organization and the Belarus Youth Rescuers and Firefighters Organization. The following are also active: the Association of Belarusian Guides (a children’s association), the Belarusian Republic Scout Association (a children’s association), the Belarus Youth Organizations Committee (a national union of public associations) and the Belarusian Association of UNESCO Clubs (a national public association).

Child rights and the business sector

Paragraphs 25 and 26 of the Committee’s concluding observations

108. Belarus participates in the largest global initiative on corporate sustainability – the United Nations Global Compact.

109. In November 2017, more than 30 companies were signed up to this agreement, having joined the national network of Global Compact participants. There are representatives of the national network in the partnership group of the Council on Sustainable Development, this last having been established to help Belarus achieve the SDGs. The Belarus National Coordinator for Achieving the Sustainable Development Goals coordinates the Council's work. Thus, the national network of Global Compact participants takes steps to promote and protect the rights of the child in the context of achieving the SDGs.

110. Any company may join the initiative and help carry out useful projects for society. The Dobra ("Good") social fund serves as the UN Global Compact Office in Belarus.

111. Another form of corporate social responsibility is social partnership between representatives of the State authorities, employers' organizations and representative bodies of workers. Social partnership plays a role in the formulation and implementation of State socioeconomic policy, which takes into account the interests of various sectors and groups within society and the world of work.

112. In July 2016, the Public–Private Partnership Act came into force. Under this Act, public–private partnership is defined as a legal agreement for a specified period that provides for mutually beneficial cooperation between State and private partners with the aim of pooling resources and spreading risk and complies with the aims, objectives and principles laid down in the Act. The main objectives of public–private partnership are to improve standards of living, develop infrastructure and increase employment. Public–private partnerships are used in health care, social services, education, culture, physical activity, sport and tourism. With the adoption of this Act, an additional mechanism has been put in place for business to play a role in tackling significant social problems, including by promoting and protecting the rights of the child.

II. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

Paragraphs 27 and 28 of the Committee's concluding observations

113. Significant attention is devoted in Belarus to issues of gender equality. Additional information on the steps taken to promote gender equality is contained in the eighth report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/BLR/8).

114. The fifth National Plan of Action on Gender Equality, for the period 2017–2020 (approved by Council of Ministers Decision No. 149 of 17 February 2017), is currently in place. The aim of the plan is to develop ways of introducing a gender perspective into the formulation and implementation of State policy measures in various areas of the life of society.

115. Under this Plan, in 2018–2020 the National Centre for Legislation and Legal Research will study legislation to determine whether more robust provisions are needed on the inadmissibility of discrimination in any form; it will also consider the feasibility of drafting a comprehensive bill to ban such discrimination.

116. In Belarus there have been no cases of discrimination against Roma children in terms of access to health care, education or social services. As citizens, they enjoy equal rights with other citizens of Belarus.

117. Under article 3 of the Education Code, every citizen of Belarus is entitled to an education. Foreign citizens and stateless persons residing permanently in Belarus and foreign citizens and stateless persons who have been granted refugee status or asylum in Belarus have the same right to education as citizens of Belarus, unless otherwise provided for by domestic legislation or international treaties to which Belarus is party.

118. Individual cases of Roma children not receiving an education, including core education, which is compulsory, can be explained by the fact that parents do not wish their children to be educated, and often by the absence of papers needed for registration with an education establishment and the fact that parents do not wish to obtain the documents in question.

119. If Roma children have not received either primary or secondary education at the appropriate time for specific reasons (not sitting exams at the end of ninth or eleventh grade, early marriage, etc.), they have the option of obtaining their education (primary or secondary) as external students.

Best interests of the child

Paragraphs 29 and 30 of the Committee's concluding observations

120. In 2016, the Refugee Act was amended. Although the principle of acting in the best interests of the child is not separately stated in the Act, specific sections of the Act contain provisions intended to safeguard the rights and legal interests of minors forced to migrate, thereby giving effect to article 22 of the Convention.

121. Foreign minors who are granted refugee status or asylum in Belarus are in the same position, legally speaking, as foreigners residing permanently in Belarus and enjoy a number of rights on the same footing as citizens of Belarus.

122. Thus, under article 14 of the Refugee Act, the Ministry of Health provides medical services to foreigners under the age of 18 who have applied for protection at their temporary accommodation, temporary residence or place of residence in Belarus on an equal footing with minors who are citizens of Belarus.

123. In accordance with article 15 of the Refugee Act, the Ministry of Education ensures access, on an equal footing with minors who are citizens of Belarus, to preschool, general secondary and specialized education for foreigners under the age of 18 who have applied for protection and foreigners under the age of 18 who have been granted refugee status, subsidiary protection or asylum.

124. These rights are granted both to accompanied and unaccompanied minors forced to migrate. The fact that minors forced to migrate have this status means that effect can be given to the principle of acting in the best interests of these minors in the areas of health care and education.

125. Moreover, the provisions of the Refugee Act are intended to ensure that unaccompanied foreign minors are identified and promptly registered. To this end, the legislation of Belarus sets fairly tight deadlines for taking the necessary steps in relation to unaccompanied foreign minors so that, in practice, separated or unaccompanied foreign minors can be identified as soon as they enter the territory of Belarus and appropriate steps taken to protect their rights and legal interests.

126. With the aim of reuniting families, article 57 of the Refugee Act stipulates that the family members of a foreigner who has been granted refugee status, subsidiary protection or asylum, along with any children born in Belarus to foreign families of which a member has been granted refugee status, subsidiary protection or asylum, are also granted refugee status, subsidiary protection or asylum, in accordance with the principle of family unity.

127. Article 5 of the Refugee Act prohibits the refoulement of foreigners, including unaccompanied minors, to a State where their lives or liberty would be endangered because of their race, faith, nationality, ethnic origins, membership of a particular social group, or political conviction, or to a foreign State where they would face the death penalty or a threat to life as a result of violent armed conflict, whether international or non-international. This provision represents an additional guarantee of the principle of acting in the best interests of the child.

128. These provisions of the Refugee Act and other pieces of legislation are intended to give effect to article 3 of the Convention and the Committee's general comment No. 6

(2005) on the treatment of unaccompanied and separated children outside their country of origin.

129. In line with the National Human Rights Action Plan, in 2018 the National Centre for Legislation and Legal Research is planning to carry out an analysis of how the principle of acting in the best interests of the child is handled in international treaties on forced migration and other international human rights treaties to which Belarus is party and in international legal acts adopted under the auspices of the United Nations, with the aim of assessing whether the principle needs to be made more robust in the country's laws on forced migration. The outcome of this research will be recommendations on how to improve domestic legislation to take account of the principle of acting in the best interests of the child.

130. The principle of acting in the best interests of the child has been partially incorporated into law: it is reflected in specific sections of the Marriage and Family Code and the Rights of the Child Act.

131. The intention is to continue working to reflect the principle of acting in the best interests of the child in domestic legislation, in accordance with the Convention.

Respect for the views of the child

Paragraphs 31 and 32 of the Committee's concluding observations

132. In the event of violations of the rights of the child enshrined in the Convention or in domestic legislation, minors of any age are entitled to submit a claim for protection of their rights and interests to the tutelage and guardianship authorities, their local social services education centre, their local committee on the rights of minors, or the prosecution services, and to seek such protection through their legal representatives.

133. When administrative matters relating to minors are considered at meetings of the committee on the rights of minors, the parents (or legal representatives) of the minor are invited to attend, with the minor.

134. Under article 189 of the Marriage and Family Code, every child is entitled to protection of his or her identity, honour and dignity from all forms of exploitation or abuse: economic, sexual, political, spiritual, moral, physical and psychological.

135. Article 11 of the Rights of the Child Act guarantees the right of the child to freely express his or her own views on all matters relating to his or her interests. The child also has the right to be heard, either directly or through a representative or the relevant authority, in any legal or administrative proceedings that affect his or her interests.

136. The legislation of Belarus stipulates that a child aged 14 or over is entitled to submit such a claim to the courts without the consent of his or her parents or guardians and also to receive legal assistance to exercise and protect his or her rights and freedoms, including from a lawyer.

137. When the courts hear cases of deprivation of parental rights, the views of the child must be taken into account if the child is older than 10 years; when requested by the court, the child's views are transmitted by the child's local tutelage and guardianship authority (except where this would not be in the child's interests).

138. In criminal proceedings, any minor who is the victim of, suspected of or accused of an offence must be legally represented. In investigations or other procedural matters involving individuals under the age of 14, a teacher or psychologist must be present. If the authority in charge of a criminal case so decides, a teacher or psychologist may also be present if such proceedings involve individuals under the age of 16.

III. Civil rights and freedoms (arts. 7, 8, 13–17, 19 and 37 (a) of the Convention)

Name and nationality

Paragraphs 33 and 34 of the Committee’s concluding observations

139. In Belarus, the procedure for granting and rescinding citizenship, along with other matters relating to Belarusian citizenship, is governed by the Citizenship Act and the Regulations on the Procedure for Considering Matters relating to Citizenship of the Republic of Belarus (approved by Presidential Decree No. 20 of 17 November 1994, as amended by Presidential Decree No. 112 of 10 April 2017). These acts include provisions intended to prevent statelessness and to give effect to article 7 of the Convention.

140. Under article 34 of the Citizenship Act, applications to obtain citizenship of Belarus by registration must be examined within no more than two months; consideration of applications for citizenship by naturalization must take no more than one year. This article lays down the maximum time limits for considering applications, which must not be exceeded. In practice, applications are examined more quickly.

141. Under article 13 of the Citizenship Act, a child obtains citizenship of the Republic of Belarus by birth if, on the date when the child is born: at least one of the child’s parents is a Belarusian citizen, regardless of where the child is born; or the child’s parents (or sole parent) reside, temporarily or permanently, in Belarus but are stateless and the child is born on the territory of Belarus; or the child’s parents (or sole parent) reside permanently in Belarus but are foreign citizens and the child is born on the territory of Belarus but the States of which the parents are citizens (or nationals) will not grant the child citizenship.

142. A child who is born on the territory of Belarus but whose parents are unknown becomes a citizen of Belarus.

143. Under article 15 (2) of the Citizenship Act, the following may obtain citizenship through a simplified process (“registration”):

- A child residing permanently on the territory of Belarus, if a joint application is made by the parents, one of whom is a Belarusian citizen, or if an application is made by one of the parents, who is a Belarusian citizen, if the whereabouts of the other parent are unknown, or if an application is made by a sole parent who is a citizen of Belarus;
- A child who is on the territory of Belarus and who has been placed under tutelage or guardianship, if the child’s sole parent, or remaining parent if the whereabouts of the other parent are unknown, or both parents, have died, been deprived of parental rights, refused to bring up the child or given consent to the child’s adoption, or been ruled unfit, presumed missing or declared deceased by the courts; or a person who has reached the age of 18 and who has been placed under tutelage, if the tutor (or guardian) applies, with consent from the tutelage and guardianship authorities.

144. The Citizenship Act contains guarantees to prevent statelessness. One of the principles underlying citizenship of Belarus is seeking to avoid cases of statelessness. Under article 20 of the Act, lack of other citizenship or of guarantees that it will be obtained are grounds for refusing to rescind Belarusian citizenship.

145. The possibility of acceding to the 1961 United Nations Convention on the Reduction of Statelessness was considered by the relevant State bodies in 2010–2011, together with the possibility of joining the 1954 Convention relating to the Status of Stateless Persons and the European Convention on Nationality of 6 November 1997.

146. In line with the National Human Rights Action Plan, in 2018 the National Centre for Legislation and Legal Research will undertake a study of Belarusian legislation to see whether it conforms to the 1954 Convention relating to the Status of Stateless Persons, the 1961 United Nations Convention on the Reduction of Statelessness and the 1997 European

Convention on Nationality. In 2019 we are planning to consider the feasibility of acceding to these international treaties.

147. In December 2014, with assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR), an International Conference on Statelessness was held in Minsk, at which the experience of other countries that have joined the statelessness conventions and the prospects of Belarus doing likewise were discussed.

148. Information on children who reside permanently on the territory of Belarus and are stateless is held in the automated “Citizenship and migration” system of the State “Population register” information system.

149. As at 1 January 2018, there were 77 children (78 as at 1 January 2017) living in Belarus in foreign families with refugee status. Of these, 15 were under the age of 4, 41 were aged between 5 and 12, and 21 were aged between 13 and 17.

150. The largest number of children applying for protection in 2017, 228, came to Belarus from Ukraine, followed by Afghanistan and Russia with 6 each (in 2016 there were 203 from Ukraine, 14 from Tajikistan and 4 from Russia).

151. The tutelage and guardianship authorities register and report on the living conditions of minors, both citizens and stateless, who have been orphaned or deprived of parental care and are living in substitute family arrangements in Belarus.

152. In 2016, there were 90 such children living in tutor families and two living in family-type children’s homes.

Freedom of expression, freedom of association and peaceful assembly, and access to appropriate information

Paragraphs 35 and 36 of the Committee’s concluding observations

153. Under article 5 of the Mass Media Act of 17 July 2008, everyone is guaranteed freedom of opinion, conviction and the expression thereof.

154. One means of guaranteeing that children can exercise the freedom of opinion, conviction and the expression thereof is that the publishing and dissemination of printed mass media information on children’s issues has been stepped up, with the aim of promoting the all-round development, upbringing and education of children.

155. As of April 2018, there are 117 print publications on children’s issues on the State Mass Media Register, and this figure has been increasing over time. For example, there were 7 children’s mass media publications registered in 2015; 11 in 2016; and 12 in 2017.

156. Moreover, the Mass Media Act contains a number of requirements intended to protect children from information that may be damaging to their health or development. In particular, article 17 (5.1) obliges the editors of mass media to assign an age category to material before the start of distribution. This article also bans the dissemination of mass media materials, including materials produced by foreign mass media outlets, without an age category indication, apart from in the specific cases provided for in article 17 (5.2) (1), and makes it an offence to breach these requirements.

157. With a view to protecting children’s rights, article 38 of the Mass Media Act also prohibits the following from being distributed:

- Information promoting the use of narcotic substances, psychotropic substances and their analogues, and toxic and other stupefying substances, and also information on ways and means of developing, preparing, using and obtaining narcotic substances, psychotropic substances, and their precursors and analogues;
- Information intended to promote war or extremist activity or incite such activity, or promote pornography, violence or cruelty;
- In radio, television, video and cinema programmes it is forbidden to use hidden messages that act on a person’s subconscious or have a harmful influence on their health.

158. Under the Constitution of the Republic of Belarus, the State guarantees the freedom to hold assemblies, rallies, street marches, demonstrations and pickets that do not cause a breach of the peace or violate the rights of other citizens of Belarus.

159. The procedure for organizing assemblies, rallies, demonstrations and other public events is set out in the Public Events Act of 30 December 1997. This Act establishes the principle of authorization for holding public events (for individual participants in election campaigns there is a different procedure for organizing public election events). The provisions of the Act are intended to ensure public safety and order when public events are held in streets, squares and other public places.

160. In most cases, applications to hold a public event are approved. The Minsk city council received 857 applications for 15,838 public events to be held in the city in 2015, of which 15,672 (99 per cent) were approved. In 2016, 566 applications for 9,398 public events were held, of which 9,273 (99 per cent) were approved.

161. When a public event is held, participants must ensure public order is maintained and must comply with all legal requirements established by the organizers of the event, internal affairs officials and community representatives to ensure that such is the case.

Freedom of thought, conscience and religion

Paragraphs 38 and 34 of the Committee's concluding observations

162. The legal basis for cooperation between education establishments and religious organizations operating within Belarus is articles 16 and 31 of the Constitution and various provisions of the Education Code, the Freedom of Religion and Religious Organizations Act and the Rights of the Child Act.

163. Government Decision No. 838 of 24 June 2011 approved the Regulations on the Procedure and Conditions for, and Content and Forms of, Cooperation between Education Establishments and Religious Organizations on Pastoral Education Issues.

164. In accordance with these Regulations, education establishments may, outside school hours, work with registered religious organizations belonging to a national religious association that has signed a cooperation agreement with the Ministry of Education on pastoral education for students.

165. The mechanism by which these legal acts are applied is the Programme for Cooperation between the Ministry of Education and the Belarusian Orthodox Church, drafted on the basis of the Constitution, the Education Code, the Rights of the Child Act, the Freedom of Religion and Religious Organizations Act and other normative legal acts and in accordance with norms of international law.

166. The Ministry of Education and the Belarusian Orthodox Church implement the Programme for Cooperation to provide pastoral education for children and young people in accordance with the principles of mutual respect and non-interference in matters falling within the other's purview.

167. The Ministry of Education has designed programmes of optional study for pupils in general secondary education establishments to learn about the fundamentals of religion and faith.

Corporal punishment

Paragraphs 39, 40 and 41 of the Committee's concluding observations

168. In Belarus, a great deal of attention is devoted to preventing the use of corporal punishment in the home, schools and other institutions.

169. Article 189 of the Marriage and Family Code and article 9 of the Rights of the Child Act enshrine the right of every child to protection of his or her identity, honour and dignity

from all forms of exploitation and abuse: economic, sexual, political, spiritual, moral, physical and psychological.

170. The child is entitled to request protection of his or her rights and legal interests from the committees on the rights of minors, the tutelage and guardianship authorities, the prosecution services, and, from the age of 14, the courts.

171. Moreover, article 9 of the Act stipulates that the State must ensure the inviolability of the child's person and protect the child from all forms of exploitation, including sexual; from physical and/or psychological abuse; from cruel, severe or degrading treatment, humiliation and sexual harassment, including by parents (or tutors or guardians) or relatives; from involvement in criminal activity; from inducement to consume spirits, less alcoholic drinks or beer or to use narcotic substances, psychotropic substances and their analogues, toxic or other stupefying substances, or tobacco products; from coercion to engage in prostitution, begging or vagrancy, participate in gambling, or engage in activities connected with the production or distribution of pornographic materials or items of a pornographic nature; and from becoming involved in work that may harm the child's physical, mental or moral development.

172. A person who is made aware of a child being subjected to cruel treatment or physical and/or psychological abuse such as to endanger the child's life, health or development must immediately report this to the competent State authorities.

173. The legal basis that protects children from domestic violence is being strengthened. In particular, under the draft legislation plan for 2018 (approved by Presidential Decree No. 9 of 10 January 2018), work has begun to develop a policy framework for a bill on the prevention of domestic violence. This bill includes a prohibition on the use of any form of violence, including against children.

174. In order to identify and eliminate the factors that cause abuse and other offences to be committed against children, to enhance monitoring of individuals prone to alcohol abuse who have dependent minor children and to protect children's rights, prevention measures are being taken across the country as part of the "Families without violence" initiative.

175. With a view to promptly identifying dysfunctional families and violence against children, the Ministry of Internal Affairs runs a national 24-hour hotline (8-017-372-73-87) and there is a national free-phone hotline for victims of domestic violence (8-801-100-8-801), which children can also call.

176. The Ministry of Internal Affairs, together with the Ministry of Education, has drawn up procedures for teaching staff to inform pupils' parents, tutors or guardians and/or internal affairs officials if there are signs of violence against a minor and has distributed them to the regions for use. The main purpose of this is to provide prompt assistance in rehabilitating minors who suffer abuse.

177. As part of an information campaign aimed at making more people aware that it is unacceptable to use any form of violence, a series of 16 video messages has been produced, featuring representatives of the Ministry of Internal Affairs, the Ministry of Labour and Social Protection, the Ministry of Foreign Affairs, the diplomatic corps, the world of sport, United Nations agencies, and business. These messages were broadcast on social media between 25 November and 10 December 2017 as part of the international "16 Days of Activism against Gender-based Violence" campaign.

178. In 2018, the central unit for drug control and fighting human trafficking of the Ministry of Internal Affairs Criminal Militia, working with all interested parties, began to develop a "road map" intended to result in comprehensive measures to resolve the problems of protecting children from sexual abuse and exploitation.

179. The feasibility of developing a national strategy to prevent and eliminate all forms of child abuse is being studied.

180. In 2018, Belstat, with support from UNICEF, is carrying out a sample household survey to obtain a comprehensive overview of living conditions for people with restricted abilities. The survey will cover 12,600 households, including around 1,500 with children with physical or psychological development issues. Conducting this survey will enable

Belstat to obtain statistical data on the degree to which people with physical or psychological development issues are integrated into society and to gather information on cases of physical abuse against such individuals.

181. Belarus is working actively on the issue of child abuse with various international organizations, particularly UNICEF. In 2016, the Ministry of Education, together with the Ministry of Health, the Ministry of Labour and Social Protection and the Ministry of Internal Affairs, with support from the UNICEF office in Belarus, conducted a representative survey to determine how widespread abuse of minors was. More than 8,000 respondents took part in survey, of whom more than 5,000 were children between the ages of 10 and 17, living in families, residential children's homes, special closed educational or medical facilities or children's villages.

182. The results of this study were examined at a round table on the topic "Protecting children from abuse: conclusions and recommendations of the national survey on the extent of child abuse". Based on the outcome of the round table, a resolution was adopted with the aim of exchanging information on specific aspects of the problem and devising possible ways to solve it.

183. Cooperation between the Ministry of Education and UNICEF on projects to protect families and the rights and interests of children has been developing effectively within the framework of the UNICEF country programme for Belarus for the period 2016–2020.

184. The main focus areas of cooperation with UNICEF are:

- Improving activities in the area of early years development;
- Improving health care for children, creating a safe environment and ensuring healthy lifestyles;
- Safeguarding the right of children to live and be raised in a family environment (family support and prevention of child abandonment) and to be protected from abuse;
- Improving ways and means of working with adolescents and young people on issues relating to their participation in decision-making.

185. The most obviously positive example of this cooperation is the "Child-friendly cities" initiative, which 25 Belarusian cities have signed up to.

186. In the field of youth politics, the Centre for Innovation and Partnership has introduced cooperation activities through the Zubrenok centre.

187. In March 2017, with support from UNICEF, the National Resources Centre for Inclusive Education was opened at the Inclusive Education Institute of the Maksim Tank State Pedagogical University of Belarus.

IV. Family environment and alternative care (arts. 5, 18 (1–2), 9–11, 19–21, 25, 27 (4) and 39 of the Convention)

Family environment

Paragraphs 42, 43 and 44 of the Committee's concluding observations

188. In Belarus, a great deal of attention is devoted to promoting traditional family values and creating a pleasant environment in which children can grow and develop in a family atmosphere.

189. The socioeconomic conditions for this to happen are being created. Support is provided from the moment a child is born or even earlier (comprehensive free medical examinations, payment of benefits for pregnancy and childbirth, and provision of social leave). Leave to care for a child is available until the child reaches the age of 3; during this leave, a person retains their job but is paid an allowance of 35 to 40 per cent of the average

monthly wage for workers over the whole leave period (irrespective of insurance contributions or parental income).

190. In recent years, State support measures have been significantly strengthened. There has been a significant increase in the amount of childcare allowance paid; additional types of material support for families have been introduced (the family lump sum, a new benefit for children over the age of 3 paid while a child under the age of 3 is being cared for within the family, etc.); a wide range of social services is provided (nanny, respite care, fostering, etc.); and a system of living credit is in place for young families and families with many children.

191. The divorce rate is falling steadily. In 2017, 32,000 marriages were dissolved (in 2008 that figure was 36,700). Of these, 13,600 were childless.

192. The proportion of children born outside marriage is falling. In 2010, such children accounted for 19.6 per cent of the total, but by 2017 this figure had fallen to 13.2 per cent of the overall number of births. Single motherhood is also on the decrease. According to data from the Supreme Court, between 2010 and 2014 the courts examined 8,500 paternity suits, 80 per cent of which were upheld.

193. In order to study the process of building families and the factors that influence family stability, in 2017, with support from the United Nations Population Fund, a large-scale sociological study was carried out using the international “Generation and gender” methodology (using a sample of 10,000 respondents across the country).

194. The data from this study have allowed the process of building Belarusian families and the birth rate to be analysed, factors influencing reproductive behaviour and family relations to be identified, and evidence-based recommendations on improving State family and demographic policy to be made.

195. In Belarus, campaigns are regularly carried out to support the family. For example, every year sees a national “Family of the Year” competition, a writing contest for the print and electronic media called “Strong Family – Strong Country”, family arts festival, and summer and winter sports events.

196. Internationally, Belarus advocates strengthening the family as an institution and is one of the founders and an active member of the United Nations Friends of the Family Group.

197. On 15 March 2017, Belarus signed the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance. This Convention is fundamental to effective cooperation between Belarus and other States parties in this sphere. It sufficiently regulates all the issues covered by the Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations, the Convention on the Law Applicable to Maintenance Obligations, and the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children.

198. The implementation of Presidential Decree No. 18 of 24 November 2006 on additional measures to provide State protection to children in vulnerable families is clearly and expressly preventative in nature. Measures to prevent loss of parental care or removal from parents reach more than 27,000 children across Belarus annually; these are children who, in accordance with legislation, have been recognized as being in a socially vulnerable situation. State authorities and organizations work to keep these children with their birth families, support parents in finding work and obtaining medical care, and rebuilding parent-child relationships.

199. No more than 10 per cent of the total number of children identified as being in a socially vulnerable situation are recognized as requiring State protection or removal from their parents.

200. There is a particular focus on taking compulsory steps to return children to their parents within five or six months. During the time when children have been removed and placed in State care, contact between parents and children is supported. Parents are

motivated to participate in bringing up and caring for children who have been removed. Every year, around 1,500 children return to their families after being removed.

201. Children may be removed from their parents temporarily in order to avoid any parent being deprived of parental rights without just cause.

202. There is an established procedure for appealing decisions taken by local executive and administrative authority committees on the rights of minors declaring children to be in need of State protection. No more than 0.5 per cent of decisions are appealed by parents under the established procedure every year. If rules are found to have been broken, a committee's decision may be reversed.

203. When information is received concerning a child in a socially vulnerable situation by a committee on the rights of minors or by the tutelage and guardianship authorities, the conditions in which the child is living and being brought up are assessed. A decision on whether to remove the child from his or her parents is taken once a child has been declared to be in need of State protection owing to a threat to his or her life or health.

204. In order to provide pastoral care and psychological support to pupils, prevent family break-downs, assist children and their legal representatives in resolving conflict situations within parent-child relationships and create a morally and psychologically supportive environment for children, all education establishments have pastoral and psychological support services, the activities of which are coordinated by 138 social service educational centres.

205. There are 103 children's shelters offering comprehensive rehabilitation for minors removed from their parents and in need of State protection.

206. An analysis of statistical data showing trends in the number of children recognized as needing State protection or removed from their parents shows that, as a result of providing interdepartmental assistance to children and their legal representatives, every year more than 58 per cent of children removed from their parents at the decision of a committee on the rights of minors return to their families.

207. If parents have changed their lifestyle and their attitudes towards raising a child, their parental rights may be restored. Over the last 7 years, parental rights have been restored to 1,503 parents, 153 of them in 2017 (compared with 157 in 2016, 180 in 2015, 221 in 2014, 243 in 2013, 288 in 2012, and 261 in 2011).

Children deprived of a family environment

Paragraphs 45 and 46 of the Committee's concluding observations

208. Belarus is taking targeted steps to deinstitutionalize children with physical or psychological development issues. The number of special residential schools is being reduced. In 2011, there were 48 such education establishments; by 2017, there were 40.

209. The number of children in residential homes for orphans and children deprived of parental care is falling steadily. Between 2011 and 2016, the network of these institutions within the education system decreased to 19 establishments (35 per cent), while the number of residents fell to 3,283 (45 per cent).

210. Overall, between 2011 and 2017, there were 21 closures and 9 reorganizations of residential establishments within the education system, with the network decreasing from 54 (in 2011) to 33 (in 2017). It now comprises 18 children's homes, 3 residential schools for orphans and children deprived of parental care, 6 supplementary residential schools staffed by people who have been orphaned, five children's villages and one small town.

211. Every year, more than 80 per cent of newly orphaned children are placed in the care of tutor or foster families or family-type children's homes.

212. Family-type care options are being developed for orphans and children deprived of parental care. In placing children, priority is given to adoption and to the guardianship of

relatives or close family friends. If adoption is not possible, children are placed with foster families or in family-type children's homes.

213. In order to ensure that the needs of children deprived of the care of their birth family are met in a family environment, a network of family-type children's homes has been established and is being developed. The following are some of the measures taken to encourage people (couples with positive experience of raising children who have undergone the training required by law) to work as parent carers in children's homes:

- In every family-type children's home (i.e. for each "family", which cares for between 5 and 10 children) there should be at least 1.5 parent carers, which means both parents can be officially employed;
- Parent carers are entitled to 56 calendar days' leave – the same as educational staff who provide constant care for children of different ages;
- By law, the salary for parent carers is the same as for teachers with second-level qualifications;
- Special accommodation in family-type children's homes is fully funded from local budgets; parent carers are exempt from paying for communal services.

Adoption

Paragraphs 47 and 48 of the Committee's concluding observations

214. The legal basis for adopting a child in Belarus is intended to protect the rights and legal interests of minors.

215. The rules on adoption are set out in chapter 13 of the Marriage and Family Code. For adoption of a child to take place, the written consent of a parent who has not been deprived of parental rights is required.

216. Articles 127 to 130 of the Marriage and Family Code set out the rules for obtaining informed consent to adoption from parents, tutors or guardians, which constitutes an additional guarantee of their interests in the event of an adoption taking place.

217. If the child to be adopted is under tutelage (or guardianship), consent must also be obtained from the tutor (or guardian); if the child is in a State children's institution, the consent of the institution's administration is needed.

218. The consent of parents, tutors or guardians to the adoption of a child is given in a duly certified or sworn declaration but may also be expressed directly before the adoption court.

219. In the case of children whose parents have not been deprived of parental rights but are unable to care for them, adoption is not possible. The database of children available for adoption does not include information on children under the tutelage (guardianship) of relatives.

220. Adoption cases involving minors are examined according to the judicial process set out in article 393 of the Code of Civil Procedure.

221. The court is entitled to order adoption without the consent of tutors or guardians, if it is in the child's interests.

222. Legislation prescribes the frequency and procedures for monitoring the upbringing of children in tutelage (guardianship) families (twice a year) and adoptive families (once a year for three years after adoption).

223. In foster families and family-type children's homes, the frequency of monitoring depends on how long the child stays with the family, but is no less than quarterly.

224. Ensuring that children's rights and legal interests are being upheld may include visiting families and gathering information on the child's education, upbringing and state of health, parental involvement in the child's upbringing, etc.

225. Article 5 of the Act of 21 December 2005 on Guarantees of Social Protection for Orphaned Minors, Minors Deprived of Parental Care and Young Adults Who Were Orphaned or Deprived of Parental Care as Minors and the Regulations on the Procedure for Assigning Children the Status of Being Deprived of Parental Care, Withdrawing this Status and Returning Such Children to Their Parents (approved by Government Decision No. 1728 of 26 December 2006) establish the procedure for assigning children the status of being deprived of parental care. Subparagraph 2.2 of the Act and chapter 2 (5) of the Regulations stipulate that the grounds for assigning a child such status may be an order from a criminal investigation unit or a court ruling (order) to detain the parents (or parent) or to take the parents (or parent) into custody.

226. Assigning a child this status during a temporary absence of parental care (including in the case of sole parents) allows State social protection measures to be taken in respect of the child so as to protect the child's rights and legal interests and ensure that appropriate conditions are in place to secure the child's proper development, upbringing and education, improve the child's health and prepare the child for independent life in society.

227. As part of joint efforts to implement article 21 of the Hague Convention (according to information from units of the International Social Service and other competent authorities), since 2007 work has been carried out to protect the rights and legal interests of child citizens of Belarus deprived of parental care abroad. Measures to ensure a stable environment for such children in the future are taken with due regard for their views and in accordance with their interests.

228. Those children who do not return to Belarus include children sent to live with relatives, children who are adopted, and minors who express a wish to remain abroad.

229. Under article 95 of the Penalties Enforcement Code, Correctional Colony No. 4 of the Penitentiary Department for Gomel province, where women with children serve their sentences, has a children's unit, which currently houses 26 individuals (11 aged under 1 year, 10 aged between 1 and 2, and 5 aged between 2 and 3). The children's block has been set up with the conditions needed for children to live and develop normally. Women prisoners may visit the children's block at the correctional facility until their children are 3 years old and may socialize freely with them outside working hours. They may be permitted to stay with their children in the children's block.

230. If women prisoners give their consent, their children may be placed with relatives or, by decision of the tutelage and guardianship authorities, with other individuals until they reach the age of 3, after which they are sent to the appropriate children's establishment.

231. If a child housed in the children's block of the correctional facility has reached the age of 3 and the remainder of the mother's sentence does not exceed one year, the administration of the correctional facility may extend the child's stay in the children's block until the day on which the mother completes her sentence.

232. Women prisoners who are pregnant or nursing may, on medical advice, receive additional food packages to provide the quantity and variety needed to maintain the normal health of mother and child. Pregnant women prisoners are entitled to medical care during the perinatal and postnatal period.

233. Under article 92 of the Penalties Enforcement Code, women prisoners whose children are housed in the children's block of the correctional facility are permitted a short period of leave from the correctional facility in order to settle their children with relatives or in a residential children's home. The period of leave may last up to 7 days, not counting the time needed for return travel. Women prisoners who have children with disabilities outside the correctional facility are permitted one short period of leave per year, lasting the same amount of time, to visit their children.

Abuse and neglect

Paragraphs 49 and 50 of the Committee's concluding observations

234. Preventing and eradicating domestic abuse is one of the international obligations that Belarus has assumed in order to implement its policy of achieving gender equality. Actions to prevent domestic abuse are taken pursuant to the Act on the Fundamentals of Action to Prevent Offences.

235. Under this Act, individual protection measures have been supplemented by a new measure: the introduction of a protection order that can be served against a person who has committed domestic abuse to restrict him or her from certain activities.

236. Provision is also made for victims of domestic abuse to be given temporary shelter. These services are available at crisis units set up in social services centres across the country, as well as in shelters run by civil society organizations. Since 2011, the number of crisis units has increased four-fold. By 1 January 2017, there were 126 units in operation.

237. Temporary shelter services are provided free of charge and include somewhere to sleep, bedding, personal hygiene items, food and drink.

238. Temporary shelter services are provided to people over the age of 18; however, if an adult with children requests assistance, the crisis unit can accommodate the whole family. The majority of crisis units have beds suitable for children.

239. Between 2012 and 2016, around 1,200 people in difficult circumstances, including people affected by domestic abuse, used the temporary shelter service provided by regional social services in crisis units (in 2016 the figure was 47).

240. Training for specialists working in regional social services in how to prevent domestic abuse and how to offer assistance to victims is provided on courses available through the National Institute for Further and Advanced Training for Officials of the Ministry of Labour and Social Protection.

241. As further training for specialists from various departments in the city of Minsk, the Minsk Municipal Centre for Social Services for Families and Children holds theoretical and practical sessions (following a methodological approach) in how to offer social and psychological assistance to families and children.

242. All education establishments have pastoral and psychological services, the activities of which are governed by Ministry of Education Order No. 116 of 25 July 2011 approving the Regulations on Pastoral and Psychological Services for Education Establishments (or Other Organizations and Individual Entrepreneurs, Who, in Accordance with Legislation, Are Authorized to Offer Educational Services) and revoking the legal force of certain orders of the Ministry of Education.

243. These pastoral and psychological services focus on the following issues:

- Preventing family break-downs;
- Pastoral, psychological and educational rehabilitation for minors and their families;
- Preventing minors from committing offences;
- Providing assistance to families and children in resolving conflict situations in parent-child relationships and relationships between pupils and teachers;
- Creating a positive moral and psychological environment for children, both at school and at home with families and neighbours.

244. In training specialists for pastoral and psychological services in education establishments (pastoral teachers and educational psychologists), particular attention is paid to the early identification of family break-downs, preventing child abandonment, and working with children who are in socially vulnerable situations and in need of State protection.

245. The effectiveness of efforts to prevent child abandonment is illustrated by the annual fall in the number of children found to be orphaned. In 2016, 2,437 children were identified,

which was 11 per cent lower (by 313 children) than in 2015 and 45.3 per cent lower (by 2,014 children) than when Decree No. 18 was first implemented (in 2007).

V. Basic health and welfare (arts. 6, 18 (3), 23, 24, 26 and 27 (1–3) of the Convention)

Children with disabilities

Paragraphs 51 and 52 of the Committee’s concluding observations

246. In Belarus, measures are being taken to ensure special protection for the rights and legal interests of children with disabilities, material support for families bringing up children with disabilities, access to medical care and education for children with physical or psychological development issues, and so on.

247. Exactly how various measures to improve the health of children with disabilities are carried out depends on targeted State programmes, available resources and integrated implementation and monitoring, in particular the 2017–2021 National Plan of Action to Improve the Situation of Children and Safeguard Their Rights and the “Health and Demographic Security of the Republic of Belarus” programme for 2016–2020.

248. Under article 31 of the Rights of the Child Act, the State guarantees children with disabilities and children with physical or psychological development issues free pedagogical, medical, social and psychological assistance; education establishments chosen by them or their parents (tutors or guardians); special educational conditions for children with physical or psychological development issues, along with remedial assistance; help in finding work in line with their abilities; social rehabilitation; and a fulfilling life in conditions that respect their dignity and help them to play an active part in society.

249. Children with disabilities who are under the age of 18 are entitled to technical equipment for social rehabilitation based on the State Register (List) of Technical Equipment for Social Rehabilitation.

250. Children with disabilities who are under the age of 18 and children under the age of 3 are entitled to receive medicines free of charge if they are prescribed by a physician and appear on the list of basic medicines.

251. Belarus signed the Convention on the Rights of Persons with Disabilities in 2015 and ratified it in 2016. The 2017–2025 National Plan of Action to Implement the Convention on the Rights of Persons with Disabilities in the Republic of Belarus was approved by a government decision in June 2017.

252. In Belarus, steps are being taken to improve the collection of data on the situation of children with disabilities.

253. Annex 7 to annex 2 of Supplementary Agreement No. 8 to the Agreement on Information-Sharing between Belstat and the Ministry of Health of 3 February 2009 provides for the primary causes of childhood disability to be reported, disaggregated by the age and sex of the child and by the category of disability and underlying diseases.

254. The age and disease classification distributions for primary childhood disability are analysed.

255. In 2017, 3,871 children under the age of 18 were diagnosed with a disability (compared with 2,977 in 2011).

256. The age distribution for primary childhood disability is as follows: children under 1 year old – 18.4 per cent; children between 1 and 4 – 34.0 per cent; children between 5 and 9 – 22.6 per cent; children between 10 and 14 – 15.9 per cent; children between 15 and 17 – 9.2 per cent.

257. In 2017, the most common causes of primary childhood disability were congenital developmental anomalies (23.8 per cent); diseases of the nervous system (15.9 per cent);

mental disorders (16.7 per cent); diseases of the endocrine system (11.2 per cent); neoplasms (8.5 per cent); and musculoskeletal disorders (7.1 per cent).

258. An early intervention service exists, covering young children with developmental impairments that may subsequently cause a disability and children with physical or psychological development issues and pursuing an interdepartmental approach.

259. An integrated package of recommendations and practical guidance on how to provide this early intervention service is in development.

260. The Ministry of Health has prepared a draft document on improving the early intervention service, including instructions on how the service should be organized and run in Belarus; a recommended staffing table for the Early Intervention Centre and recommended workload standards for the Centre's specialist staff; indications and contraindications for referring children and their families to the Centre; report forms for collecting information on the assistance that the Centre provides to children; and a form for the Centre's specialists to use to give their expert opinions on children's development. The draft has been submitted to legal consultation.

261. A medical rehabilitation service for children is being developed at inpatient and outpatient facilities.

262. In order to enhance access to medical rehabilitation for children with psychiatric disorders, since 1 January 2016 the National Children's Centre for Medical Rehabilitation has been running a medical rehabilitation unit for children with psychiatric conditions accompanied by their parents.

263. Medical rehabilitation for children with physical or psychological development issues is provided at all stages of development. All available opportunities are used to achieve this.

264. The list of medical indications for prescribing medical rehabilitation at in-patient units and the Centre for Medical Rehabilitation to children with disabilities and children at high risk of developing a disability has been expanded.

265. Work is continuing at medical units to create an accessible environment so as to increase opportunities for children with disabilities to enjoy unhindered access to health-care facilities.

266. Ministry of Health Order No. 26 of 20 March 2017 approved the Regulations on Children's Homes. Provision is made for medical and social assistance to be provided in children's homes to families bringing up children with disabilities, including those in need of palliative care. Out-patient palliative medical care for children is being developed.

267. Further and advanced training courses for specialist physicians include studying how to provide medical care, including medical rehabilitation, to children with disabilities.

268. Under article 2 of the Education Code, the key aspects of State education policy are ensuring access to education, including for individuals with physical or psychological development issues, in line with their state of health and capacity to learn, at all levels of basic education and in supplementary education, and creating appropriate conditions for individuals with physical or psychological development issues to receive education and be offered remedial teaching support.

269. Article 31 of the Education Code enshrines the rights of students with physical or psychological development issues to appropriate conditions in which to receive education, including vocational education, taking into account the nature of their psychological and physical development; to free psychological, medical and pedagogical testing, carried out in State centres for remedial developmental teaching and rehabilitation; to free remedial assistance for physical and/or psychological conditions in State education establishments that run specialized education programmes; to transport to education establishments in specially equipped vehicles; to free use of textbooks and study materials; and to free accommodation and food in specialist education establishments. The opportunity to receive education is given to all children, regardless of the nature and extent of their limitations.

270. A national database of children with physical or psychological development issues, established in 1999 and updated annually, allows trends in the development of specialist education to be monitored, the network of specialist education establishments to be optimized, and measures to improve the quality of management of the specialist education system to be coordinated. As at 15 September 2017, the national database included 156,072 children (8.43 per cent of the total number of children), of whom 1,065 (7.7 per cent) had disabilities. Coverage of specialist education and remedial teaching support stood at 99.8 per cent.

271. For comparison, in 2009 there were 122,137 children (6.71 per cent of the total number of children), of whom 9.21 per cent had disabilities, and coverage of specialist education and remedial teaching support was 93.6 per cent.

272. Since 2011, education in residential homes for children with physical or psychological development issues run by the Ministry of Labour and Social Protection has been organized by education establishments local to the relevant social services unit. Previously, arrangements were made by the teaching staff of children's residential homes.

273. Education for children with severe and/or multiple physical and/or psychological limitations is arranged to take into account the nature and severity of these limitations and is based on the study plans of centres for remedial and developmental teaching and rehabilitation. Furthermore, under article 279 of the Education Code, individual study plans or individual study programmes may be devised for specific categories of student.

274. A system is in place to provide comprehensive early assistance so that childhood developmental disorders can be identified at the earliest possible opportunity and work with children and their families can begin as soon as possible. There are 138 comprehensive early assistance offices operating through centres for remedial and developmental teaching and rehabilitation (compared with 47 in 2008 and 99 in 2010).

275. Targeted efforts are under way to develop and improve integrated education and learning for individuals with physical or psychological development issues and to include them in mainstream education and recreational, cultural, sporting and creative activities alongside their peers. Integrated education is provided in various different formats and models. Arranging it requires positive interpersonal relations among those involved and an adapted learning environment that meets the special educational needs of the children.

276. In 1996, less than 1 per cent of children with physical or psychological development issues needing special education were in an integrated education environment; in 2004 it was 47.6 per cent; in 2010 it was 60 per cent; and in 2015 it was 68.2 per cent. By 2017, the proportion of students receiving their education in an integrated and inclusive setting was 86.2 per cent.

277. Under Ministry of Education Order No. 608 of 22 July 2015, a policy framework for developing inclusive education for individuals with physical or psychological development issues was approved. An action plan to implement this policy framework has also been approved, covering the period 2016–2020.

278. The measures included in the special education system development programme of the State education and youth policy programme for 2016–2020 are intended to achieve the objectives of developing inclusive education for individuals with physical or psychological development issues and maintaining accessibility and flexibility in education for such individuals.

Health and health services

Paragraphs 53, 54, 55 and 56 of the Committee's concluding observations

279. The health protection service for women and children has succeeded in achieving a reduction in such important medical and demographic indicators as maternal, infant and child mortality, thanks to State support through health policy and robust organizational structures.

280. The infant mortality rate in Belarus for 2017 was 3.2 per 1,000 live births (compared with 10.5 in 2000). The under-5 mortality rate for 2017 fell to 3.9 per 1,000 live births (from 13.4 in 2000).
281. The infant mortality rate has fallen both as a result of fewer deaths in the neonatal period (from 5.9 per 1,000 live births in 2000 to 1.6 in 2017) and as a result of fewer babies dying above the age of 1 month (from 4.6 per 1,000 live births in 2000 to 1.6 in 2016).
282. The survival rate for infants born with extremely low body mass was 75.3 per cent for the first year of life (compared with 28.4 per cent in 2000).
283. The mortality rate for children aged under 18 halved (by comparison with 2005) to stand at 34.4 per 100,000 in 2017 (in 2005 it was 68.1).
284. Accidents, trauma and poisoning were the second most common cause of death in children under 18. Thus, in 2017, they resulted in the deaths of 146 children under 18 across the country (out of 639 children in total), representing 22.8 per cent or 7.9 per 100,000 population aged under 18. For comparison, in 2005, 459 children under 18 died from the same causes (out of 1,336 children in total), representing 34 per cent of the total number of children in that age group who died, or 23.4 per 100,000 population under 18. For the period 2008–2017, the mortality rate for children under 18 dying as a result of accidents, trauma or poisoning fell by around 57 per cent.
285. A strategy is in place in Belarus to prevent childhood injuries.
286. In conjunction with UNICEF, an international technical assistance project entitled “Preventing childhood injuries” has been carried out.
287. Given how significant the issue of childhood injury is, in 2017 the 2014–2018 Action Plan to Prevent Childhood Trauma in the Republic of Belarus was revised and a plan of action to prevent childhood trauma for 2018–2020 was drafted. The 2018–2020 plan has been approved by the Government’s interdepartmental committee on promoting healthy lifestyles, controlling noncommunicable diseases, and preventing drunkenness, alcoholism, drug addiction and the use of tobacco and tobacco products.
288. Active development of palliative medical care for children is under way, in accordance with Ministry of Health Order No. 93 of 31 January 2012 on improving the provision of medical assistance to children in need of palliative treatment and care.
289. Council of Ministers Decision No. 107 of 24 December 2014, on various issues relating to the provision of medico-social and palliative medical assistance, includes a list of medical indications and contraindications for the provision of medico-social and palliative medical assistance and contains instructions on the procedure for providing such care.
290. Ministry of Health Order No. 811 of 19 July 2013 sets out the clinical protocols for providing palliative medical assistance to children.
291. Ministry of Health Order No. 943 of 5 October 2016, approving instructions on the procedure for providing children with disabilities under the age of 18 receiving palliative medical care with various technical equipment for social rehabilitation, establishes the procedure for providing children with disabilities in need of long-term respiratory support at home with artificial pulmonary ventilation equipment and for servicing such equipment.
292. In 2016–2017, regional health care organizations provided 10 portable ventilators (100 per cent of those needed). Along with this equipment, families receive the set list of supplies and technical equipment for social rehabilitation.
293. In order to provide administrative support, advice and comprehensive palliative medical care to children in in-patient and out-patient settings, in 2016 a National Clinical Centre for Children’s Palliative Care was founded. The Centre is funded from the national budget and works actively with the Belarusian Children’s Hospice, a public charity.
294. Under article 5 of the Health Care Act of 18 June 1993, foreign citizens and stateless persons residing permanently in Belarus are entitled to accessible medical care on the same

footing as citizens of Belarus, unless otherwise provided for in domestic legislation or international treaties.

295. In accordance with article 22 and with reference to article 19 of the Act of 23 June 2008 on the Granting of Refugee Status, Subsidiary Protection, Asylum and Temporary Protection to Foreign Nationals and Stateless Persons in Belarus, foreign minors who are granted subsidiary protection are entitled to medical care on the same footing as Belarusian minors.

Environmental health

Paragraphs 57 and 58 of the Committee's concluding observations

296. Children living in areas affected by the Chernobyl disaster enjoy access to the full range of health care (primary, specialized, hi-tech, medico-social and palliative). If indicated, they are referred to regional or national specialist medical centres.

297. Figures are kept on the number of children requiring sanatorium treatment. In accordance with the Ministry of Health Order No. 96 of 12 August 2016, containing instructions on the procedure for prescribing medicines and treatment, all children over the age of 11 (or, if medically indicated, of any age) undergo ultrasound thyroid scans.

298. The incidence of thyroid cancer in children aged 0 to 18 years was 1.3 per 100,000 in 2010–2011 and 1.8 in 2015–2016. Over this period the incidence increased by an average of 5.4 per cent annually. This increase was seen across all provinces, including those not contaminated with radionuclides.

Adolescent health

Paragraphs 59 and 60 of the Committee's concluding observations

299. Between 2000 and 2017, the incidence of sexually transmitted diseases among children under 18 decreased six-fold, from 98.6 per 100,000 in 2000 to 16.3 in 2017.

300. A system of measures to prevent drug-related diseases among minors has been developed and is being implemented in accordance with article 12 of the Act on the Fundamentals of the System for Preventing Child Neglect and Juvenile Delinquency, taking into account the fact that prevention agencies also work together to stop minors being drawn into using alcohol or illicit substances.

301. The strategy behind anti-alcohol and anti-drugs policy has become more targeted. A system-wide approach has been introduced, under which all interested services are actively involved in taking steps towards the effective prevention of psychoactive substance use, especially by minors, and shaping healthy lifestyles.

302. Work to prevent dependence among minors and to provide them with specialist psychiatric and drug support is carried out continuously and is a priority for the drugs service.

303. Study courses, seminars and training with international experts are organized for education and health care workers, police officers and the social services.

304. A national strategy to improve child and adolescent health in Belarus has been drafted.

305. In 2017, a plan was drawn up to improve the network of early intervention centres, of which Belarus has 39.

306. Guidance on identifying developmental delays in children at an early age has been developed for experts within the health system; it includes a suggested template for the early identification of children with developmental delays.

307. An advanced study programme for paediatricians and paediatric neurologists, entitled "Foundations of early intervention in children with developmental delays", is being

developed as part of the curriculum of the Belarus Medical Academy for Postgraduate Studies (a State education institution).

308. World Health Organization (WHO) and UNICEF recommendations on pre-test and post-test consultation have been implemented. All women of reproductive age and all pregnant women have the opportunity to receive consultation services and to undergo testing for HIV through health-care organizations or HIV/AIDS prevention units at provincial and national centres for hygiene, epidemiology and public health. As well as individual consultations during medical appointments, information on HIV/AIDS issues is made available at Young Family School group sessions and distributed in print.

309. Every year, between 18.4 and 30 per cent of women of reproductive age are tested for HIV.

310. In order to prevent vertical mother-to-child transmission of HIV, all pregnant women with HIV are given prophylactic antiretroviral therapy during pregnancy and in the perinatal and postnatal periods. Children born to mothers with HIV also receive prophylactic antiretroviral therapy for the first 7 to 28 days after birth.

311. To eliminate vertical mother-to-child transmission of HIV and cases of HIV transmission linked to the provision of medical care, all children (100 per cent) born to mothers with HIV are given adapted milk formula for bottle-feeding. In 2016, prophylactic antiretroviral coverage was 98.3 per cent for pregnant women (94.1 per cent in 2015) and 99.4 per cent for newborns (96.9 per cent in 2015).

312. The system for preventing mother-to-child transmission of HIV has proved effective. In 2016, Belarus became the first country in the WHO European Region to be certified free of mother-to-child transmission of HIV and syphilis. The risk of mother-to-child HIV transmission fell by 95 per cent (from 26.9 per cent in 2000 to 1.4 per cent in 2016).

313. Thanks to the efforts of experts at various levels, active prevention work, wider access for young people to information on reproductive health, and the promotion of sensible reproductive behaviour, there is now a steady trend towards improving the reproductive health of adolescent girls. From 2008 to 2017, the number of children born to girls aged 14–17 fell by 63 per cent (from 1,383 to 513), while the abortion rate fell by more than two thirds (from 4.0 to 1.3 per cent).

314. Sex education issues are covered in the school curriculum in biology (ninth grade) and pre-conscription and medical preparation (tenth grade).

315. In biology, study of the topic “The reproductive system: individual human development” includes discussion of issues relating to puberty and family planning, and students are taught about the consequences of sexually transmitted diseases, etc.

316. The subject “Pre-conscription and medical preparation” includes a module entitled “Medical and biological aspects of sex education”, covering the following topics: relationship issues between young men and women, reproductive health, pregnancy, abortion and its consequences, etc.

317. Students in general secondary education establishments can attend optional classes in “Preparation for family life”.

318. A draft strategy entitled “Healthy Children Today, Healthy Nation Tomorrow: A national strategy to improve the health of children and adolescents in the Republic of Belarus, 2018–2022” has been drawn up.

319. With a view to raising awareness of and promoting healthy lifestyles and creating an environment that helps to socialize adolescents and improve reproductive, mental and physical health among young people, 48 adolescent-friendly centres have been set up and are operating in all regions, with support and direct participation from UNESCO.

320. In May 2017, “Healthy people”, a national Internet portal on healthy lifestyles, and “Teenager”, which focuses on promoting healthy lifestyles among the younger generation, came online. The portal has pages on Facebook, VKontakte, Twitter and Odnoklassniki, along with a YouTube channel.

321. Belarus is working continuously to implement its policy framework on reproductive health, which includes safe and responsible behaviour for young people; reducing the number of abortions and ensuring they can be carried out safely; preventing and promptly diagnosing and treating sexually transmitted diseases; and so on. Great attention is paid to preventing adolescents from using alcohol, tobacco, narcotic and psychotropic substances, etc.

322. These measures may be considered a national strategy to improve the health of adolescents.

Mental health

Paragraphs 61 and 62 of the Committee's concluding observations

323. From 2005 to 2017, the number of child suicides fell from 2.2 per 100,000 child population under 18 in 2005 (44 deaths) to 1 per 100,000 in 2017 (18 deaths).

324. Experts have been trained to provide counselling to children in crisis, taking a multidisciplinary approach.

325. Preventing suicide among minors is something to which the Government devotes particular attention. It is tackled on an interdepartmental basis, coordinated by the Ministry of Health; this is a central element in increasing the country's demographic security.

326. A comprehensive plan on suicide prevention for 2009–2012 was successfully implemented.

327. Experience in suicide prevention has been collated, summarized and put to use, and home-grown guidance and methodology materials have been developed and are being used by the various Government departments.

328. A set of measures to prevent suicidal behaviour in Belarus over the period 2015–2019 is being implemented.

329. The development of effective measures to prevent suicide among children is based on analysing all crisis situations, so the Ministry of Health undertakes continuous analysis of suicidal behaviour among children and adolescents.

330. Information on emergency psychological support service hotlines, showing the telephone numbers for each province, is available at all health-care facilities, along with information on anonymous psychological counselling services, psychotherapy services at polyclinics and the National Children's Helpline, which is a psychological support phone line for children that automatically refers cases of ill-treatment of children to the law enforcement agencies and other State authorities.

331. Issues relating to the prevention of suicidal behaviour are included in the accreditation programmes for educational psychologists and educational social workers and in the questionnaires for accreditation interviews carried out as part of the accreditation process for teaching staff in education establishments and educational development institutions.

332. The further training programme for psychologists includes the following subjects: "Deviant behaviour and how to correct it", "Psychology of dependent behaviour", "Medical psychology" and "Foundations of psychological support", in which students are taught about the prevention of suicide in young people.

333. New advanced training programmes have been developed and introduced, covering the issues of overcoming individual crises, how to assist families experiencing difficult situations, and methods for working with young people at risk of suicide.

334. Preventing and identifying suicidal behaviour among students is a particular focus at seminars and meetings of head teachers, deputy heads, classroom teachers, group tutors, accommodation superintendents and student representatives.

335. A methodological textbook has been published on encouraging people to value life and preventing suicidal behaviour among young students, under the title “Encouraging students at vocational education establishments to live a full life”.

336. With the aim of predicting suicidal activity among students, experts from the pastoral and psychological services of education establishments carry out an annual survey to identify students at increased risk of suicide.

337. Educational psychologists monitor children in crisis situations, make teachers and parents aware of the signs and risk factors of suicidal behaviour and any deterrent factors, advise parents on how to relate to their children, hold group sessions with students on how to stop young people disengaging from school, teach parents and adolescents ways to relieve stress and constructive ways to resolve conflict situations, etc.

338. Psychological support is provided to children identified as being at risk of suicidal behaviour. If necessary, an educational psychologist may refer a minor to a psychotherapist or psychiatrist. The educational psychologist will arrange individual sessions to provide social and educational support and psychological assistance. Class teachers and tutors continuously monitor attendance at lessons, optional classes and interest groups.

Standard of living

Paragraphs 63 and 64 of the Committee’s concluding observations

339. According to the 2016 Human Development Report by the United Nations Development Programme, “Human Development for Everyone”, prepared using the human development index, Belarus was ranked 52nd in the world (based on a comparative analysis of 188 United Nations Member States).

340. Under article 66 of the Marriage and Family Code, families with many children receive special support, attention and care from the State.

341. Families with many children are entitled to various forms of State support and are given additional social guarantees and benefits in the areas of housing credit policy, labour, taxation and pensions legislation, education for children, paying for communal services, etc.

342. Single-parent families bringing up minors receive additional social guarantees from the State in the areas of labour and taxation legislation.

343. Material support for low-income families and families in difficult circumstances is provided in the form of targeted State social assistance under Presidential Decree No. 41 of 19 January 2012.

344. The targeted State social assistance framework includes four social benefit payments: monthly and one-off social benefits, and social benefits to cover the costs of buying nappies and food for children in their first two years of life.

345. The main recipients of this assistance in the form of monthly and one-off social benefits are families with many children and single-parent families bringing up minors, who account for 67.4 per cent (136,900 people) of the total number of recipients (families with many children make up 44.7 per cent of recipients, or 61,200 people; single-parent families make up 22.8 per cent, or 31,200 people).

346. In 2017, the proportion of children up to the age of 2 receiving free food was more than 11.2 per cent. Food was provided to 4,000 families bringing up two or more children (6,300 children), regardless of income. Families with many children make up a significant proportion of those receiving free food (41.7 per cent).

347. The aim of State policy on social provision is to reduce the risk of poverty among households with children.

348. According to data from a sample household survey on standards of living, in 2017 the poverty rate for households with children under the age of 18 was 8.7 per cent (in 2011 it was 10.3 per cent). The extent of poverty among households with children is largely determined by the number of people dependent on working members of the household.

While the 2017 poverty rate for households with three or more children stood at 29 per cent, for households with one child it was 5.6 per cent.

349. There has been a significant increase in ownership of personal computers: the number of computers per 100 households in this category was 1.7 times higher in 2017 than in 2011, reaching 146.

350. Households with children are active users of information and communications technology. The proportion of households with children that have access to the Internet at home was 92.7 per cent in 2017, while in 2011 it was only 49.2 per cent.

VI. Education, leisure and cultural activities (arts, 28, 29 and 31 of the Convention)

Education, including vocational training and guidance

Paragraphs 65 and 66 of the Committee's concluding observations

351. In September 2017, Belarus had 3,812 education establishments offering preschool education programmes (3,879 in September 2016), which provided preschool education to 426,258 pupils (418,145 in September 2016).

352. The Government, together with provincial executive committees, the Minsk City council and other partners, has developed and is implementing measures to ensure access to preschool education, including in rural areas, taking into account real needs and the demographic situation.

353. In 2017, 13 preschool education establishments opened, with 2,500 places.

354. In response to requests from parents, different ways of offering preschool education are being developed. In 2017, 567 short-stay groups (2 to 7 hours) opened for 4,258 children, along with 3 family groups in the city of Minsk and Minsk province, attended by 26 children.

355. Transport is organized to take 12,291 pupils to preschool education establishments.

356. The measures taken enabled around 8,800 additional places for children to be created in preschool education establishments in 2017 (in 2016, it was around 9,600), increasing preschool coverage for children aged between 1 and 6, including in rural areas.

357. In 2018, there are plans to open 17 preschool education establishments with 3,110 places.

358. Targeted efforts are being made to deinstitutionalize children with physical or psychological development issues. The number of special residential schools is being reduced: in 2007, there were 56; by 2017, there were 40.

359. In order to identify children who are not in education and take steps to return them to school, local executive and administrative authorities conduct a census of children. This census covers all children up to the age of 18 inclusive, including foreign citizens and stateless persons legally resident in Belarus on a temporary or permanent basis. The procedure for organizing the census of children who should be in general secondary education is set out in Council of Ministers Decision No. 1493 of 8 November 2006.

360. If children are found not to have been attending lessons, the education, sport and tourism departments of district (or municipal) councils apply to the competent authorities for proceedings to be brought in accordance with legislation against the children's legal representatives for failure to ensure that their child receive basic general education.

361. Thus, in Belarus the law determines which children should attend general secondary education and what action is to be taken against parents or guardians who fail to ensure that their children receive general secondary education.

362. Citizens of Belarus who identify as members of an ethnic minority are able to study the language and culture of that minority and the culture and traditions of their people.

363. Belarus has four general secondary education establishments offering education in ethnic minority languages (Polish and Lithuanian). In the 2017–2018 academic year, 1,037 pupils are studying through the medium of an ethnic minority language: 897 in Polish and 140 in Lithuanian.

364. At general secondary education establishments where education is offered in an ethnic minority language, extracurricular work takes account of national and cultural traditions. Christmas celebrations, reading contests and exhibitions are arranged to coincide with festivals.

365. Moreover, students are able to study ethnic minority languages and the culture and traditions of their people in optional classes. Optional study programmes have been devised for Polish, Hebrew, Ukrainian and the history of Lithuania.

VII. Special protection measures (arts. 22, 30, 32–36, 38–40 and 37 (b) and (d) of the Convention)

Asylum-seeking and refugee children

Paragraphs 67 and 68 of the Committee’s concluding observations

366. Paragraph 4 of article 9 of the Act on the Granting of Refugee Status, Subsidiary Protection, Asylum and Temporary Protection to Foreign Nationals and Stateless Persons in Belarus (the Forced Migration Act) establishes that the Government must determine the procedure for providing care and guardianship for foreigners under the age of 18 who have not attained full legal capacity under the laws of Belarus and who arrived in the country unaccompanied by their legal representatives (“unaccompanied foreigners”) and have applied for protection, and for unaccompanied foreigners granted refugee status, subsidiary protection, asylum or temporary protection. In order to give effect to this provision of the Act, the necessary amendments have been made to the section of the Regulations on the Procedure for Making Arrangements to Establish and Provide Care (Guardianship) for Minors (approved by Government Decision No. 637 of 20 May 2006) that deals with care and guardianship for the above categories of foreigner.

367. Article 32 of the Forced Migration Act sets out the special procedures for dealing with asylum claims from unaccompanied foreigners. Under paragraph 4 of this article, unaccompanied foreigners who have reached the age of 16 and expressed the wish to apply for asylum may, with the consent of the care and guardianship authorities, approach the citizenship and migration office for their temporary accommodation centre or temporary shelter.

368. In terms of taking into account the Committee’s views contained in its general comment No. 6 (2005), on the treatment of unaccompanied and separated children outside their country of origin, the following should be noted:

(a) Paragraph 3. In accordance with the Forced Migration Act, refugee status in Belarus is granted for as long as the circumstances that led to refugee status being granted pertain in the State of which the refugee is a national or in which the refugee was previously habitually resident. The procedure for family reunification is set out in article 57 of the Forced Migration Act. These articles contain no age restrictions;

(b) Paragraph 12. Unaccompanied foreigners applying for protection or granted refugee status are entitled to receive education and medical services on the same footing as citizens of Belarus;

(c) Paragraph 26. The obligations concerning non-refoulement of foreigners codified in article 33 of the 1951 Refugee Convention are contained in article 5 of the Forced Migration Act;

(d) Paragraphs 31.C, 32, 47, 53, 59, 64, 65, 66, 70, 74 and 82. In Belarus, asylum claims, including needs arising from a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion” in the child’s country of origin, are examined in accordance with the Forced Migration Act. The definition of “refugee” fully reflects the definition given in the 1951 Refugee Convention;

(e) Paragraph 62. Foreigners applying for protection who apply without delay are exempt from criminal responsibility (notes to article 371 of the Criminal Code) and administrative responsibility (notes to articles 23.29 and 23.55 of the Code of Administrative Offences);

(f) Paragraph 69. Applications for protection made by unaccompanied foreigners are handled as set out in article 32 of the Forced Migration Act, and the presence of a care-giver or guardian is compulsory;

(g) Paragraphs 70 to 72. In accordance with instruction documents, applications for protection made by unaccompanied foreigners are examined as a priority. Moreover, separate procedures are in place to safeguard the best interests of the child (for example, taking steps to locate parents or other legal representatives or relatives, the option of having a psychologist, UNHCR representative or other individuals present during interviews, and so);

(h) Paragraph 73. Chapter 6 of the Forced Migration Act covers the issue of granting temporary protection to foreigners whose applications for protection cannot be examined individually because they are submitted simultaneously and in large numbers and the associated need to decide whether they will be admitted to and allowed to remain in Belarus on the grounds established for granting refugee status or subsidiary protection;

(i) Paragraph 75. As part of education and continuing professional development for experts in the internal affairs agencies who deal with forced migration issues, appropriate training is provided regularly. From 2013 to 2015, online training and face-to-face sessions were held as part of an international technical assistance project entitled “Quality Initiative in Eastern Europe and South Caucasus”, funded by UNHCR. These activities have continued within the second phase of the same regional UNHCR project;

(j) Paragraph 76. The rights of foreigners who have been granted refugee status are laid down in article 20 of the Forced Migration Act. Unaccompanied foreigners granted refugee status are entitled to medical services and to receive education on the same footing as citizens of Belarus. Other rights are enjoyed equally with foreigners residing permanently in Belarus;

(k) Paragraphs 77 and 78. The rights of foreigners who have been granted subsidiary protection are laid down in article 23 of the Forced Migration Act. A foreigner who has not reached the age of 18 and who is granted subsidiary protection also has the right to receive preschool, general secondary and specialized education and medical care on the same footing as minor citizens of Belarus;

(l) Paragraph 80. Under article 10 (2) (7), the citizenship and immigration department of the Ministry of Internal Affairs takes steps to find the parents or other legal representatives or relatives of unaccompanied foreign minors who apply for protection. Ensuring confidentiality of information on foreigners who apply for protection and on foreigners who are granted refugee status, subsidiary protection, asylum or temporary protection in Belarus is a requirement under article 4 of the Forced Migration Act;

(m) Paragraph 89. Under article 15 of the Forced Migration Act, it is the responsibility of the Ministry of Education to take steps to protect the rights and legal interests of unaccompanied foreign minors applying for protection and unaccompanied foreign minors granted refugee status, subsidiary protection, asylum or temporary protection. In addition, under article 18 of the Forced Migration Act, local executive and administrative authorities must establish care or guardianship for unaccompanied foreign minors applying for asylum and unaccompanied foreign minors granted refugee status, subsidiary protection, asylum or temporary protection in Belarus;

(n) Paragraph 91. Rules on adoption are set out in the Marriage and Family Code, the Code of Civil Procedure, the Regulations on the Procedures for the Adoption of Children and for Monitoring Living and Upbringing Conditions in Adoptive Families within the Territory of Belarus (approved by Council of Ministers Decision No. 290 of 28 February 2006) and other normative legal acts;

(o) Paragraph 100. The internal affairs agencies operate an automated system called “Refugees”, which collates data on all foreigners applying for protection. These data include, in particular, the following: basic personal data for each individual (including age, sex, country of origin and nationality, and ethnic group); the total number of unaccompanied children arriving in the country and the number of applications for protection; legal and immigration status (i.e. asylum-seeker, refugee, temporary resident); place of residence; education; and so on.

Sexual exploitation and trafficking

Paragraphs 69 and 70 of the Committee’s concluding observations

369. Thanks to the measures taken, the problem of human trafficking is not widespread in Belarus.

370. The sale of children, child prostitution and child pornography, while not dangerously common, are certainly pressing issues. Of the 2,494 victims of human trafficking identified between 2008 and July 2017, 361 (14.5 per cent) were minors, of whom 54 (15 per cent) were young children (unable to fully understand the consequences of their actions). Sexual exploitation is the main form of exploitation suffered by minors who are victims of human trafficking.

371. In 2017, the Ministry of Internal Affairs proposed changes to the Criminal Code which would mean that knowingly procuring prostitution services from a minor, involving a minor in the occupation of prostitution, knowingly using a minor for slave labour and using a minor in porn films (which are currently separate offences) must be classed exclusively as the sale of children.

372. From 2008 to 2015, the 2008–2010 and 2011–2013 State programmes to prevent human trafficking and a programme to fight crime and corruption for 2013–2015, incorporating the fight against corruption and transnational crime (the drugs trade, human trafficking and illegal migration), were implemented. They included social, medical, legal and administrative measures and joint projects between Belarusian and foreign partners.

373. In 2017, a fifth programme to fight crime and corruption was adopted for 2017–2019, one third of which relates to the prevention of human trafficking.

374. The issues of social protection and rehabilitation for minors who are victims of human trafficking are governed by the Prevention of Human Trafficking Act of 7 January 2012.

375. Identifying children who are victims of exploitation takes place under the national mechanism for identifying victims of human trafficking and placing them in rehabilitation, which is governed by the Regulations on the Procedure for Identifying Victims of Human Trafficking, the Procedure for Completing and Format of Questionnaires for Citizens Who Could Be at Risk of Human Trafficking or Related Crimes and the Procedure for Supplying the Information Contained Therein (approved by Government Decision No. 485 of 11 June 2015).

376. The Department of Psychotherapy and Medical Psychology at the Belarus Medical Academy for Postgraduate Studies (BelMAPO), a State education establishment, runs annual advanced training courses in the psychology of abuse for physician psychotherapists, psychiatrists specializing in drug issues, paediatricians, obstetricians/gynaecologists and physician therapists (80 hours).

377. Article 20 of the Prevention of Human Trafficking Act of 7 January 2012 (No. 350-3) provides for social protection and rehabilitation measures, which include temporary

accommodation and food; legal aid, including free legal representation by qualified lawyers; medical care provided by health-care organizations, irrespective of where the victim lives; psychological support and counselling; pastoral education support; help with finding a job; and other forms of assistance as decided by the local authorities. For children, additional measures are in place with the aim of locating their families or providing them with care in foster families, or, if this cannot be done, placing them in a care institution.

378. Medical assistance for victims of human trafficking is governed by Ministry of Health Order No. 41 of 28 April 2012 on drawing up a list of necessary medical services offered by State health-care organizations, including as in-patient care, to victims of human trafficking, regardless of their permanent place of residence.

379. Belarus is working systematically through the United Nations and other organizations to consolidate efforts within the international community to fight human trafficking, particularly of women and children.

380. Every two years, Belarus submits a draft resolution on improving the coordination of efforts against trafficking in persons to the United Nations General Assembly (Third Committee).

381. Under the chairmanship of Belarus, meetings of the Group of Friends United against Human Trafficking have been held in New York, Vienna, Geneva and Paris. These meetings discuss the activities of the Group in relevant forums and future work plans.

382. In 2016 and 2017, on the initiative of Belarus, the United Nations Commission on Crime Prevention and Criminal Justice adopted resolutions on preventing and combating trafficking in human organs and trafficking in persons for the purpose of organ removal and on implementing the United Nations Global Plan of Action to Combat Trafficking in Persons.

383. In July 2017, the 26th Annual Session of the Organization for Security and Co-operation in Europe's Parliamentary Assembly was held in Minsk, at which a Belarusian initiative resulted in the adoption of resolutions on preventing the spread of new psychoactive substances and on combatting human trafficking.

Administration of juvenile justice

Paragraphs 71 and 72 of the Committee's concluding observations

384. The measures taken have resulted in a reduction in juvenile crime (which was 18.1 per cent lower in 2016 than in 2015). Crimes committed by minors as a proportion of overall crime has fallen from 4.8 per cent to 3.6 per cent over the last five years.

385. In accordance with article 5 (1) and (2) of the Code on the Judicial System and Status of Judges, the judicial system consists of the Constitutional Court, which decides whether normative legal acts in the State are constitutional and exercises its judicial authority through constitutional court proceedings, and general courts, which administer justice in civil, criminal and administrative proceedings and proceedings on financial matters.

386. The system of general courts is founded upon the principles of territoriality and specialization.

387. Article 28 of the Code on the Judicial System and Status of Judges stipulates that the system of general courts consists of district (municipal) courts, provincial courts (and the Minsk city court), provincial economic courts (and the economic court for the city of Minsk), and the Supreme Court.

388. Specialized courts may be set up within the system of general courts.

389. In Belarus, the juvenile justice system is administered by the general courts. The form of justice depends on the type of jurisdiction (civil, criminal or administrative) and the legal status of the minor with respect to the judicial proceedings (for example, a party to the case or an interested party in civil proceedings, the defendant in criminal proceedings, or a

person against whom administrative proceedings have been brought in an administrative case).

390. In the view of the Supreme Court, there is no need at present to establish specialized juvenile courts within the general court system, principally because few cases fall into this category.

391. In 2016, 1,273 juvenile criminal cases came to court, representing 2.9 per cent of the total number of criminal cases heard. The average figure across all provinces does not exceed 3.5 per cent. On average, a single judge hears 778 cases in a year and, consequently, all juvenile criminal cases could be heard by just two judges. It is therefore not economically feasible to set up even one specialized juvenile court per province.

392. Juvenile justice is administered under the law through the process of specialization of judges.

393. Under article 30 (2) of the Code on the Judicial System and Status of Judges, if there are 10 or more judges on the bench of a district (municipal) court, the judges must specialize in hearing civil, criminal, administrative or other proceedings, in accordance with the procedure established by the Supreme Court. Judges of other district (municipal) courts may specialize in hearing civil, criminal or administrative cases.

394. The procedure for judges in district (municipal) courts to specialize is set out in the Regulations on the Procedure for Specialization of Judges in Courts of General Jurisdiction, approved by Order No. 8 of the Plenum of the Supreme Court of 29 June 2017.

395. Under paragraph 4 of these Regulations, specialization in district (municipal) courts is based on the court's main activity: hearing civil, criminal or administrative cases. If there is an objective need, this general specialization may be supplemented by in-depth specialization of judges to hear more complex cases in individual areas of substantive law.

396. Decisions on specialization take the form of an order from the president of the district (municipal) court with the consent of the president of the relevant provincial court or the Minsk city court (paragraph 5 of the Regulations).

397. Judges are allocated to specialist areas on the basis of workload and taking into account their personal and professional qualities; professional qualifications; experience and length of service; specialist training, if required under legislation to examine specific types of case; areas of professional interest; and other relevant factors (paragraph 6 of the Regulations).

398. Under article 430 of the Code of Criminal Procedure, criminal cases involving juvenile crimes are heard by courts specializing in juvenile cases or by judges with special training.

399. Order No. 141 of the President of the Supreme Court of 28 December 2016 appoints four judges from the criminal division of the Supreme Court to hear criminal cases involving crimes committed by minors.

400. Similar orders from the presidents of the provincial courts and the Minsk city court appoint judges from the criminal divisions, as well as district (municipal) judges with specialist training, to hear criminal cases involving crimes committed by minors.

401. The fact that judges specialize in juvenile cases, which enables them to examine such cases more effectively, ensures that a strictly individual approach is taken in every juvenile case within the current framework of legal institutions.

402. Cases affecting the rights and legal interests of minors are heard by highly qualified judges with considerable professional experience.

403. Arrangements in cases involving crimes committed by minors are made in strict accordance with the requirements of criminal and criminal procedure legislation, ensuring maximum guarantees of the rights and legal interests of children, fair sentencing and the prevention of further crimes. Criminal procedure law provides for dual representation of the child's interests. As well as compulsory legal representation in criminal proceedings, the

child's interests are also represented by legal representatives, usually the child's parents. A teacher or psychologist must be present when a minor accused of a crime is questioned.

404. In order to improve juvenile justice within the general court system, emphasis is placed on advanced training for judges, not only in legal matters, but also in educational theory, psychology and sociology.

405. Judges study to become specialized by undertaking placements at higher courts; groups are also selected to attend lectures at the Belarusian State University Institute for Further and Advanced Training for Judges, Prosecutors and Other Judicial Officers. Advanced training for judges, including in juvenile justice, is regular and systematic. Instruction is given by highly qualified experts from among the academic staff of the Institute, the Belarusian State University legal faculty, and other education departments and research organizations, judges from the constitutional court and Supreme Court, and staff of the Office of the Procurator General, Ministry of Justice, and other State bodies and organizations, using modern technology and study methods.

406. In addition, paragraph 8 (1) of the Regulations stipulates that judges must regularly engage in independent learning, collecting and analysing legal information and judicial practice on the subject in which they specialize.

407. Current issues in juvenile justice are examined by the Plenum and Presidium of the Supreme Court. The journal *Sudovy vesnik* ("Legal Gazette"), which is an official publication of the Supreme Court, regularly publishes articles on juvenile issues.

408. As regards charging juveniles with criminal offences, justice in Belarus is in practice administered through child-friendly procedures based on restorative justice.

409. Court statistics show that in recent years in Belarus there has been a steady trend towards a reduction in the number of minors convicted. Over the past 10 years, the number of minors convicted has fallen by more than 75 per cent, from 5,812 in 2006 to 1,341 in 2016.

410. The proportion of minors among those charged with criminal offences has also fallen recent years: in 2011 it stood at 3.6 per cent, but by 2016 it had fallen to 2.9 per cent, and to 2.6 per cent in the first half of 2017.

411. In 2016, 49 per cent of convicted minors had committed crimes with others and 20.1 per cent with adults; for the first half of 2017, the figures were 46.4 per cent and 26 per cent respectively.

412. The proportion of convicted minors aged 14 to 15 stood at 23.1 per cent in 2016; in the first half of 2017, it was 20.8 per cent.

413. An increasing trend towards girls being prosecuted has been observed: in 2016, 6.9 per cent of all convicted minors were girls, while in the first half of 2017 the figure was 9 per cent.

414. The proportion of convicted minors who have committed crimes while carrying unexpunged or unspent convictions is negligible: 2 per cent in 2016 and 2.9 per cent in the first half of 2017.

415. The overwhelming majority of minors are convicted of committing less serious crimes: 83.5 per cent of all convicted minors in 2016 and 86.6 per cent in the first half of 2017.

416. In 2016, 54.9 per cent of minors convicted had committed crimes against property, compared with 55.9 per cent in the first half of 2017. A significant number of minors are convicted under article 339 of the Criminal Code (hooliganism): this accounted for 18.5 per cent of the total number of minors convicted in 2016.

417. Very few minors are convicted of crimes endangering life and health: in 2016, the figure was 2.9 per cent, of whom 20.5 per cent were convicted of murder, while for the first half of 2017 the figures were 2 per cent and 18.1 per cent respectively.

418. The number of minors convicted of unlawful possession of narcotic substances, psychotropic substances, or precursors or analogues thereof (art. 328 of the Criminal Code)

accounted for 17 per cent of the total number of minors convicted in 2016 and 9.5 per cent in the first half of 2017.

419. Judicial practice indicates that probation is used for minors charged with criminal offences. Criminal justice measures such as deferred sentences (art. 77 of the Criminal Code), suspended sentences (art. 78 of the Criminal Code), conviction without sentencing (art. 79 of the Criminal Code), and ordering compulsory educational measures (art. 117 of the Criminal Code) were used for 52.2 per cent of convicted minors in 2016 and 49.5 per cent in 2017.

420. Deferred sentences were used for 24.5 per cent of all convicted minors in 2016 and 18.6 per cent in the first half of 2017; suspended sentences were handed down to 10.1 per cent of convicted minors in 2016 and 13.1 per cent in the first half of 2017; and 0.6 per cent of minors were convicted but not sentenced in 2016, compared with 0.9 per cent in the first half of 2017. Compulsory education measures were ordered for 17 per cent of convicted minors in 2016 and for 16.9 per cent in the first half of 2017.

421. A significant proportion of minors are sentenced to restriction of liberty: 19.7 per cent of those convicted in 2016 and 20.8 per cent of those convicted the first half of 2017. Minors are also sentenced to community service: in 2016, this applied to 4 per cent of those convicted, and in the first half of 2017 to 6.1 per cent.

422. In 2016, 18 per cent of all convicted minors were sentenced to deprivation of liberty; for the first half of 2017, the figure was 17 per cent. Of these, 35.9 per cent were sentenced to deprivation of liberty for up to two years in 2016 and 47.4 per cent in the first half of 2017.

Children victims and witnesses of crimes

Paragraph 73 of the Committee's concluding observations

423. Measures to ensure the safety of the parties to criminal proceedings and others involved, including minors, are set out in chapter 8 of the Code of Criminal Procedure.

424. Council of Ministers Decision No. 74 of 20 January 2006 approved a policy framework for protecting victims of criminal activity.

425. In order to verify that the rights and legal interests of minors involved in criminal proceedings are upheld, in 2016 the Supreme Court examined and compiled the investigating practice of the preliminary investigation authorities and the practice of the courts in examining criminal cases involving crimes against the sexual inviolability of minors (arts. 166–169 of the Criminal Code) and the involvement of minors in the commission of crime or antisocial behaviour (arts. 172 and 173 of the Criminal Code). The choice of data for the crime sample was determined by the fact that these offences constitute some of the most dangerous attacks by adults on the life and physical and mental health of the child, lead to future crimes as an adult, and impede the normal further physiological, moral and psychological development and personality formation of the country's new generation.

426. The study revealed that investigative and judicial practice for these categories of criminal case is largely in line with the requirements of criminal and criminal procedure law.

427. At the pretrial stage, the practice of questioning minors who have witnessed or been victims of abuse in specially equipped interview suites within State education establishments (provincial centres for correctional and developmental education and rehabilitation, district social service educational centres, pastoral education centres with shelters, etc.) using specially developed psychological methods has been established and is spreading.

428. In the cases studied, 33 per cent of young victims were questioned about the circumstances of the criminal acts committed against them in child-friendly interview suites, equipped with audio and video recording equipment, on the instructions of the criminal

investigation authorities; questioning took place with an educational psychologist present and aimed to avoid traumatizing the individuals questioned.

429. This practice of questioning young victims in child-friendly surroundings allows the circumstances of the crime to be established, ensures that perpetrators are held accountable, and minimizes the trauma caused to the child to that which is unavoidable in criminal proceedings.

430. The courts examined criminal cases in which the victims were young children in accordance with the requirements of criminal and criminal procedure law.

431. In order to avoid discussion of intimate details of the lives of those involved, the overwhelming majority of cases studied (82.2 per cent) were heard in closed court under article 23 (2) of the Criminal Code. In a number of cases involving crimes against the sexual inviolability of young children, the victims did not take part in the court hearing, at the request of their legal representatives or on the recommendation of legal experts.

432. Such a practice is in line with article 296 (2) of the Criminal Code, which stipulates that, if the victim does not appear, the court must decide whether to hear a criminal case or postpone it, depending on whether it is possible to establish all the facts of the case fully and protect the rights and legal interests of the victim in his or her absence. If a representative of the victim is present at the hearing, the court takes the representative's views into account in reaching its decision.

433. Specific considerations for questioning victims and witnesses who are minors are set out in article 332 of the Criminal Code. Under sections 1, 3 and 4 of this provision, in questioning of victims and witnesses aged under 14, and also, at the court's discretion, of those aged between 14 and 16, a teacher or psychologist must be present, and the minor's parents or other legal representatives may attend. If the person leading the questioning agrees, these individuals may question the victim or witness. On the application of the parties or at the court's initiative, a victim or witness under the age of 18 may be questioned without the accused present; the court issues a ruling (order) to this effect. When the accused returns to the courtroom, he or she must be informed of the evidence given by these individuals and given the opportunity to put questions to them. A victim or witness under the age of 16 leaves the courtroom once the questioning is complete, unless the court considers it necessary for them to remain longer.

434. Under article 343-1 (1) (3) of the Criminal Code, a minor who is a party to proceedings may be questioned during a hearing via video link.

435. Belarus has a functioning network of social service educational centres (138 education establishments), 106 of which have social shelter facilities for children.

436. The specific nature of their work is such that, at any time of the day or night, any child may come to them in search of help. While children used to run away from home because of domestic abuse, often becoming victims of further abuse, almost all children now know the address of a unit like this, where they will be taken in, fed and protected. If the unit is a long way away, children can ring emergency psychological support hotlines, the numbers for which are displayed visibly in all education establishments.

437. In 18 social service educational centres supported by "Understanding", a local educational organization, a project entitled "House of understanding" is under way. Children who have suffered abuse are offered comprehensive support at all stages (from identifying the abuse to rehabilitation) in such a way that they never have to see their abuser and are not exposed to further trauma.

438. Introducing these facilities avoids repeated questioning of child victims. Interview suites set up as part of the project have all the necessary equipment questioning to be conducted in a single round. During questioning, only the child and the psychologist conducting the interview are present, with all other participants observing proceedings on television screens in a separate room. If police or prosecution officials wish to ask questions during the interview, they are passed on to the child through the psychologist via a wireless link. The interview is recorded and may be used later in evidence. These innovations

minimize the stress of questioning and help investigators obtain the most accurate information on the crime committed.

439. Belarus works actively with UNICEF at the international and national levels, including through international technical assistance projects. Project activities have included an international seminar on “Children’s rights institutions: global best practice”, organized in November 2017, and an international conference on “Restorative justice in juvenile crime”, held in March 2018. Both events were attended by Ms. Renate Winter, Chair of the United Nations Committee on the Rights of the Child.

VIII. Ratification of international human rights instruments

Paragraph 74 of the Committee’s concluding observations

440. Belarus has taken note of the Committee’s recommendation concerning ratification of a number of core international human rights treaties and protocols thereto.

441. On 24 October 2016, the Government issued Decision No. 860, approving the 2016–2019 Interdepartmental Plan to implement the recommendations accepted by the Republic of Belarus following the second universal periodic review cycle in the United Nations Human Rights Council and the recommendations addressed to the Republic of Belarus by the human rights treaty bodies. This document is the first National Human Rights Action Plan in the history of Belarus. It has been agreed by the Head of State. This Plan is a programme document, the purpose of which is to help Belarus meet the international obligations it has assumed in the field of human rights, including improving legislation and the application thereof in practice.

442. Paragraph 1 of the Plan provides for consideration of the feasibility of acceding to core international human rights treaties to which Belarus is not yet party.

443. Belarus has signed and ratified the Convention on the Rights of Persons with Disabilities, which came into force for the State on 29 December 2016.

444. Belarus is working to expand its participation in international treaties of the Council of Europe. It is party to 14 such treaties (8 conventions, 2 additional protocols and 4 agreements) in the areas of culture, education, fighting corruption, and sport.

445. In 2017, Belarus again asked to join the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention). On 24 April 2017, the accession of Belarus to this Convention was refused for a second time with no further explanation.

IX. Follow-up and dissemination

Paragraphs 75 and 76 of the Committee’s concluding observations

446. The Committee’s concluding observations were circulated to interested parties for consideration and further action. Its recommendations were taken into account in drafting the National Human Rights Action Plan and were discussed at a meeting of the National Human Rights Commission in December 2012.

447. Under article 30 of the Military Duty Act, all men aged 18 to 27 who are or should be enrolled on the military register and who are not in the reserves are subject to conscription to temporary military service or reserve service.

448. Under articles 42 and 43 of the Minimum Age Act, voluntary military service is possible from the age of 18. In addition, citizens aged 17 or above, including those who will reach the age of 17 during the year of entry, are entitled to apply and be accepted, on a competitive basis, for entry into military education establishments (for citizens under the age of 18, written consent from parents or other legal representatives is needed).

449. Under article 33 of the Rights of the Child Act, it is forbidden to recruit children to take part in hostilities or otherwise make use of them in armed conflict, to promote war or violence among children, or to form children's paramilitary units.

450. There have been no cases of Belarusian children being directly involved in military activities, including on the territory of other States.

451. There is no need to take steps to ensure the physical and psychological rehabilitation of children recruited for use or used in military activities, as no such group exists.

452. In considering applications for refugee status, subsidiary protection or asylum, all foreigners, including children, are interviewed individually. Such interviews identify any situations involving potential fear of persecution, including identifying individuals affected by armed conflict. A psychologist may be present during interviews with children.

453. Applications for protection of unaccompanied foreign minors are examined as a priority. The Act on the Granting of Refugee Status, Subsidiary Protection, Asylum and Temporary Protection to Foreign Nationals and Stateless Persons in Belarus provides for subsidiary protection to be granted to people whose lives would be threatened as a result of violent armed conflict, whether international or non-international, if they returned to their homeland.

X. Additional information from the State party

454. In addition to the statistical data included in the chapters of this report, disaggregated data are also annexed as a table covering various aspects within the scope of the Convention. Bearing in mind the requirements on limiting the amount of information provided in the report, this document does not include all available statistical information.

455. Belarus has taken note of the recommendation of the Committee and other treaty bodies to update the common core document in accordance with the requirements for common core documents in the harmonized guidelines on reporting.

456. The common core document was updated in 2015 (document HRI/CORE/BLR/2015).
