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# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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**Committee against Torture**

## Sixth periodic report submitted by Belarus under article 19 of the Convention in accordance with the simplified reporting procedure, due in 2022*

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* The present document is being issued without formal editing.

# I. Introduction

1. The report on the implementation by the Republic of Belarus of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is being submitted in accordance with article 19 (1) of the Convention and has been drawn up in accordance with the optional procedure that provides for the preparation by the State party of a periodic report in the form of replies to the list of issues formulated by the United Nations Committee against Torture. The questions for Belarus are contained in document CAT/C/BLR/QPR/6.

# II. Replies to the list of issues (CAT/C/BLR/QPR/6), presented as the report

## A. Replies to the issues raised in paragraph 1 of the list of issues

2. The Criminal Code contains provisions criminalizing both torture itself (art. 128) and other acts related to overstepping of authority or powers involving the use of violence (arts. 426 (3) and 455 (2) and (3)). The Code (art. 154) also establishes liability for torture (for the intentional infliction of prolonged pain or torment by methods causing particular physical or mental suffering to the victim, or systematic beatings not covered under arts. 147 and 149 of the Code, on torture).

3. In accordance with article 172 (1) of the Code of Criminal Procedure, the prosecution authority must receive, record and consider statements or reports of any criminal offence committed or being prepared. When a complaint or report of an offence is received or the elements of a crime are discovered directly, one of the decisions provided for in article 174 (1) of the Code is taken.

4. Complaints from persons detained on suspicion of having committed an offence or remanded in custody as a preventive measure are submitted through the administration of the place of pretrial detention, which transmits the complaint to the agency conducting the criminal proceedings within 24 hours (Code of Criminal Procedure, art. 139 (3)). In addition, complaints addressed to the agency conducting the criminal proceedings are not censored, in accordance with paragraph 101 of the internal regulations of temporary holding facilities of the local internal affairs agencies, which were approved by Ministry of Internal Affairs Decision No. 315 of 30 November 2016, and paragraph 111 of the internal regulations of the remand centres of the Ministry of Internal Affairs penal correction system, approved by Ministry of Internal Affairs Decision No. 3 of 13 January 2004.

5. Between 2018 and 2021 no cases of crimes under article 128 (Crimes against human security) or article 394 (3) (Use of torture to compel testimony) of the Criminal Code were considered by courts of general jurisdiction.

6. Legal safeguards and investigation mechanisms are in place for complaints, and perpetrators are brought to justice.

## B. Replies to the issues raised in paragraph 2 of the list of issues

7. The use of torture and other ill-treatment is punishable under article 128 of the Criminal Code, which, pursuant to Act No. 241-Z of 5 January 2015 on amendments to the Criminal Code, the Code of Criminal Procedure, the Penalties Enforcement Code, the Code of Administrative Offences and the Code of Administrative Procedure and Enforcement, was supplemented with a note containing a definition of torture reflecting its essential elements, some of which were taken from international law.

8. In 2021, the penalties applicable under article 128 of the Criminal Code were amended in line with a reform of the criminal legislation and with a clarification of the names of certain types of punishment involving deprivation of liberty.

9. Accordingly, deportation, unlawful detention, enslavement, mass or systematic extrajudicial executions, abduction of persons followed by their disappearance, torture or subjection to acts of cruelty committed in connection with the racial, national or ethnic origin, political convictions or religious beliefs of citizens are punishable by deprivation of liberty of 7 to 25 years or life, or by the death penalty.

10. According to the note to article 128 of the Criminal Code, torture is any act by which severe pain or physical or mental suffering is intentionally inflicted on persons for the purpose of inducing them or third parties to act against their will, including to obtain information or a confession from them or for punitive or other purposes, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by public officials acting in an official capacity, using their official powers, or at their instigation, with their knowledge or with their tacit consent. This definition does not include pain or suffering arising from the application of procedural or other lawful coercive measures.

11. The criminal law establishes liability for attempted acts of torture (Criminal Code, art. 14) and for ordering or being complicit in acts of torture (Criminal Code, art. 16). In such situations, criminal liability is incurred under article 128 of the Criminal Code, in conjunction with articles 14 and 16, for purposes of classification.

12. Perpetrators are not exempted from criminal liability for crimes against human security after expiry of a statute of limitations (Criminal Code, art. 85).

13. The criminal law also establishes liability for other unlawful acts involving the use of mental or physical violence by officials.

14. Article 426 (3) of the Criminal Code stipulates that the wilful commission by officials of acts clearly exceeding their official rights and powers, combined with violence, torture of the victim or the use of weapons or special means (i.e., abuse of power or official authority) is punishable by imprisonment of 3 to 10 years, with or without a fine, and with disqualification to hold certain positions or to engage in certain activities.

15. Article 394 of the Criminal Code criminalizes the coercion of suspects, defendants, victims or witnesses to give testimony or of an expert to give an opinion by use of threats, blackmail or other illegal means by persons conducting inquiries or preliminary investigations or administering justice. Such acts are punishable by disqualification to hold certain positions or engage in certain activities (as a basic penalty) or restrictions of liberty for up to 3 years, and possibly (as an additional penalty) with deprivation of liberty for the same term, with or without the disqualification to hold certain positions.

16. The same actions, when combined with violence or bullying, are punishable by imprisonment of 2 to 7 years, with disqualification to hold certain positions or engage in certain activities, or without disqualification (art. 394 (2)) and, when combined with torture, are punishable by imprisonment of 3 to 10 years, with or without disqualification to hold certain positions or engage in certain activities (art. 394 (3)).

17. In addition, the use of torture as a means of committing a crime specifically involves a circumstance of particular cruelty or humiliation, which under the country's criminal law is an aggravating circumstance (Criminal Code, art. 64 (1.5)).

18. Thus, the legislation in force ensures that perpetrators face criminal prosecution for all illegal actions covered under the definition in article 1 of the Convention.

## C. Replies to the issues raised in paragraph 3 of the list of issues

19. Act No. 146-Z of 5 January 2022 on the genocide of the Belarusian people was adopted in order to preserve historical truth and justice and also to publicly and unambiguously condemn torture and cruelty in all their forms. "The Belarusian people" means all Soviet citizens who lived in the territory of modern Belarus during the Great Patriotic War and in the post-war period.

20. In the seized territory of Belarus, the Nazis rejected all international legal norms. The crimes of the occupiers were unequalled in the modern history of Belarus in terms of their

massive extent and terrible cruelty. According to experts, Belarus suffered from this war more than any other country in Europe. On Belarusian land, the German invaders burned, destroyed and plundered 209 of the 270 cities and regional centres (80–90 per cent of Minsk, Gomel and Vitebsk were destroyed) and 9,200 villages.

21. During the years of occupation, the Nazis carried out more than 140 punitive operations, during which they completely or partially destroyed 5,454 villages. The village of Khatyn, which was burnt together with all its inhabitants, became a terrible symbol of Nazi crimes in Belarus. Its fate was shared by another 618 rural settlements, 188 of which were never rebuilt. In the territory of Belarus there were about 250 camps holding Soviet prisoners of war and 350 forced detention centres. In the village of Trostenets alone, where one of the largest Nazi death camps in terms of the number of people exterminated was located, 206,500 people died. Unlike at Auschwitz, Majdanek and Treblinka, it was mostly local people who perished.

22. In addition, Jewish ghettos were created in 186 localities. The Minsk ghetto held about 100,000 people, of whom only a few survived. According to Belarusian academics, 715,000 Jews were exterminated within the current borders of Belarus during the war. Some researchers now believe that during the Great Patriotic War, between 2.5 and 3 million or more inhabitants of Belarus were killed, amounting to no less than one in three people.

23. The Republic of Belarus is convinced that the preservation of historical memory and justice is the most important factor in preventing the repetition of the tragic events of the past, including acts addressed by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

## D. Replies to the issues raised in paragraph 4 of the list of issues

24. The right of suspects to a defence is enshrined in the Code of Criminal Procedure. Under article 41 (2.6 and 2.7) of the Code, suspects have the right to a defence counsel or counsels from the moment that a criminal prosecution body issues a decision to institute criminal proceedings against them, declares them suspects, detains them or orders the use of preventive measures against them. They also have the right to communicate freely with their counsel in private and confidentially, with no limitation of the number or duration of their interviews. Suspects have the right, upon request, to be questioned in the presence of a defender no later than 24 hours after their arrest (Code of Criminal Procedure, art. 41 (2.8)). Suspects and accused persons have the right to notify, through the criminal prosecution authority, their family members or close relatives of their place of detention (Code of Criminal Procedure, art. 41 (2.4) and art. 43 (2.3)).

25. To ensure the rights of citizens, local Bar associations have set up daily round-the-clock lawyers' shifts to provide on-call legal assistance for persons who have been arrested.

26. Persons who are arrested, administratively detained, taken into custody, placed under house arrest, subjected to coercive measures for reasons of security or treatment or convicted are provided with the necessary conditions for meetings and consultations with a lawyer, with full respect for confidentiality.

27. It is prohibited by law to prevent lawyers from meeting in private with their clients in conditions that ensure the confidentiality of such meetings, and it is prohibited to limit the number and duration of their interviews.

28. Attorney-client privilege between lawyers and the persons to whom they provide legal assistance in the exercise of their duties is recognized and respected by all of the country's official bodies and officials.

29. The procedure and conditions for medical examinations and the provision of medical assistance to persons subjected to remand in custody are determined by general legal standards for health care, which, taking into consideration the specific situation of this category of persons, are specified in special normative legal acts: Act No. 215-Z of 16 June 2003 on procedures and conditions of detention; the Instructions on the procedure for medical

assistance to persons held in custody, approved by Decision No. 4 of the Council of Ministers on 28 January 2004; and the internal regulations for places of detention, among others.

30. These and other normative legal acts guarantee that persons in custody have the right to medical assistance and to safe and healthy conditions, with respect for the requirements of the law and the principles of legality, humanism, equality of all citizens before the law and respect for human dignity.

31. Thus, in accordance with the legislation of Belarus, when people are sent to places of detention, and also if they are injured while in detention, a medical examination by the medical staff of the place of detention is carried out. The aim is to assess their health status and arrange for the necessary medical care. This is done regardless of whether it is requested by the person in detention.

32. Such examinations are usually conducted during the day of admission to the facility, but no later than 24 hours after arrival (excluding weekends and holidays). The results of the medical examination are recorded in the established manner and communicated to the persons held in detention and their lawyers or legal representatives.

33. Article 15 (3) of the Act on procedures and conditions of detention of persons in custody and the internal regulations of the remand centres of the Ministry of Internal Affairs penal correction system also provide for cases where the medical examination of an injured detainee may be carried out by employees of a public health institution. Injured persons or their defenders or legal representatives submit an application for this purpose to the director of the place of detention. It must be considered within one day.

34. In addition, consultations can be carried out on a paid basis by specialists of a State health-care organization, in accordance with article 20 of the Act on procedures and conditions of detention and annex 8 of the internal regulations of the remand centres of the Ministry of Internal Affairs penal correction system. Medical examinations of persons in custody are carried out in the medical units (or infirmaries) of the places of detention or in a State health-care facility.

35. Article 46 of Act No. 2435-XII, of 18 June 1993, the Health Care Act, stipulates that if there is reason to believe that a person's health has been harmed by an illegal act, the health-care facility is obliged to inform law enforcement bodies that the person has sought medical attention and to report on the person's state of health.

36. There must be a report to the law enforcement authorities, regardless of whether the injured party consents to it. The procedure for providing such information is set out in the Regulation on the procedure for the submission of information covered by medical confidentiality by health-care organizations to law enforcement agencies, approved by Decree No. 1192 of the Council of Ministers on 18 December 2014.

37. If persons admitted to a remand centre present injuries indicating that their health has been harmed by illegal acts, a report is drawn up. Persons presenting injuries when admitted to remand centres are invited to give a written explanation of the circumstances in which they were injured. The assistant on duty reports this in writing to the centre's director or the person performing the director's duties. In accordance with the established procedure, the formal note, the written report of the assistant on duty and the explanation of the person admitted to the centre are sent to the investigative jurisdiction for verification.

38. These legal provisions demonstrate that, for persons subject to detention as a preventive measure, medical examination is mandatory and independent.

39. As there have been no instances of failure to provide basic legal safeguards to persons in detention, no criminal proceedings have been carried out against staff of the criminal prosecution service.

40. In 2018, courts of general jurisdiction reviewed 657 appeals relating to changes of preventive measures (of which 21 were granted); in 2019 there were 587 (with 22 granted); in 2020 there were 662 (with 16 granted); and in 2021 there were 758 (with 10 granted).

## E. Replies to the issues raised in paragraph 5 of the list of issues

41. On the issue of the registration of detention, the Code of Criminal Procedure sets out the legislative basis for preventive measures applied in the form of detention, the calculation of periods of detention and the procedure and deadlines for the notification of such measures. The Code of Administrative Procedure and Enforcement and Decision No. 996 of the Council of Ministers of 21 November 2013 approving the Rules for detention of individuals against whom administrative detention is applicable govern the application of administrative detention within an administrative procedure, the terms of such detention, the procedure for notification of such measures and the establishment of the time of admission to places of detention of persons subjected to such detention.

42. Measures of an organizational and technical nature are implemented on the basis of the legislation in force. Registration cards in a form prescribed by law and registration logs of administrative and criminal offences are kept in order to register offences (criminal and administrative offences); the information thus recorded includes information about the perpetrators, the preventive measures applied to them, the type of punishment (or penalties) applied and movements of persons in detention and of convicts (and specifically their arrivals and departures), etc. The information from these records is transmitted to information centres and registration units for the establishment of a single State database on offences. The information may be submitted to State bodies (or officials), individuals and organizations in the manner prescribed by Act No. 94-Z of 9 January 2006 on the single State registration and recording system for offences and by Decision No. 909 of the Council of Ministers of 20 July 2006 on the system's operation.

43. There have been no instances of arbitrary placement of detainees in custody without the necessary procedural documents being drawn up and issued to the detainees, including entries on the time and reasons for the arrest.

## F. Replies to the issues raised in paragraph 6 of the list of issues

44. All law enforcement officers must comply with the rules for wearing uniforms and insignia of special ranks established by the current legislation (in particular, Presidential Decree No. 213 of 6 May 2014 on the uniform and insignia of certain categories of employees and military personnel of the Ministry of Internal Affairs) and by national and also local legal norms and regulations. To this end, lists for the various law enforcement agencies have been approved, specifying the elements for their ceremonial and service uniforms.

45. In accordance with paragraph 14 of the Instruction on the organization of the activities of internal affairs bodies to protect public order and ensure public safety, approved by Ministry of the Interior Order No. 333 of 24 July 2013, the protection of public order is carried out by uniformed employees and military personnel. Employees may be permitted to serve in civilian attire when performing special tasks, by decision of the senior officers or commanders of regular police units or police chiefs. The law does not require any identification to be worn in such cases.

## G. Replies to the issues raised in paragraph 7 of the list of issues

46. The Bar Association in Belarus is an independent legal institution which, in accordance with the Constitution, provides qualified legal assistance to physical persons and legal entities in order to protect their rights, freedoms and legitimate interests.

47. The State ensures that lawyers are able to carry out their work and helps establish the conditions to enable this, including as regards the accessibility and quality of legal assistance.

48. National legislation guarantees lawyers' independence; for the protection of client rights, it also imposes on them a number of obligations, which are set out in article 18 of Act No. 334-Z of 30 December 2011, the Bar and Advocacy Act.

49. In Belarus, the Ministry of Justice has the legal obligation to ensure such conditions, inter alia by imposing certain requirements on lawyers and by monitoring compliance with the legal standards, while respecting the principle of independence.

50. The Ministry's monitoring function in relation to lawyers is carried out in line with the principle of the independence of lawyers and non-interference in their work of providing legal assistance.

51. In accordance with chapter 10 of the Regulations on the licensing of certain types of activity, approved by Presidential Decree No. 450 of 1 September 2010, the work of lawyers is a licensed activity. The licensing is performed by the Ministry of Justice.

52. One of the licensing requirements and conditions imposed on lawyers is compliance with the Bar and Advocacy Act, including strict observance of the rules of professional ethics for lawyers, which require lawyers to uphold the standards of professional morality and not to commit dishonourable or degrading acts or actions that undermine the standing of the profession.

53. Lawyers are held liable for failure to fulfil their obligations, in accordance with the law. The applicable measures are taken both by lawyers' self-governing bodies and by the Ministry of Justice.

54. The most serious response to violations that can be taken by the licensing authority is a decision by the Ministry of Justice to revoke a licence.

55. The licensing authority bases its decisions regarding lawyers on the findings of a collegial body, the Qualification Commission for Legal Practice in Belarus, whose mandate includes the full, comprehensive and impartial consideration of materials relating to licence revocation.

56. In October 2020, the Ministry of Justice decided to revoke the licences of Y.V. Levanchuk and A.V. Pylchenko.

57. The decision regarding Ms. Levanchuk was made on the basis of her correspondence over Viber with an investigator, in which she deliberately threatened the investigator and her family members, thereby influencing her in her capacity as a responsible official, and made statements undermining the authority of the law enforcement agencies.

58. The decision regarding Mr. Pylchenko was taken on the basis of comments he made in the media that were outside of his competence, effectively constituted incitement to illegal acts and misled the public about the powers of government agencies.

59. Accordingly, the licences issued to Ms. Levanchuk and Mr. Pylchenko were revoked because they had committed acts discrediting the title of lawyer and the Bar, which is a gross violation of the licensing legislation and is inadmissible for a lawyer.

60. All actions taken by the Ministry of Justice in response to violations committed by lawyers are based on the facts and on the legal standards for lawyers.

## H. Replies to the issues raised in paragraph 8 of the list of issues

61. The Criminal Code contains the offences of obstruction of the lawful activities of voluntary associations (art. 194), harassment of citizens on account of their criticisms (art. 197) and obstruction of the lawful professional activities of journalists (art. 198).

62. The Investigative Committee of the Republic of Belarus has not initiated any criminal cases relating to such acts committed against the members of the relevant professions.

63. Regarding the request for information about Tatiana Reviaka, Aleksandra Dzikan, Tatiana Stryzheuskaya and Marfa Rabkova, only Ms. Rabkova has been subjected to criminal prosecution, for co-founding and directing a criminal organization. As part of this organization, by 2016 she had organized, led and in certain cases personally taken part in a number of criminal offences, including those set out in articles 130, 218, 285, 293, 2953, 339, 341, 342, 361 and 3611 of the Criminal Code. The available evidence fully confirms that Ms. Rabkova is guilty of the aforementioned offences, which are unrelated to human rights

work or journalism. She was charged on 22 November 2021, following which the case was transmitted to the procurator for referral to the courts. There appear to be no grounds for replacing Ms. Rabkova's remand in custody with a more lenient preventive measure.

## I. Replies to the issues raised in paragraph 9 of the list of issues

64. Domestic violence is criminalized under the current system of criminal law. However, determination that such unlawful conduct has reached the level of public danger of a criminal offence depends on the intentions of the perpetrator, the nature of the act and the consequences of the violence.

65. Under the Criminal Code and the Code of Administrative Offences, liability for all forms of violence (physical, psychological and sexual) is gender-neutral: victims and perpetrators of violence may be either men or women.

66. In accordance with article 1231 of the Code of Criminal Procedure, persons suspected or accused of committing a criminal offence against a family member or former family member may be prohibited from being in the same residence as the victim and from disposing of joint property.

67. In addition, under article 31 of Act No. 122-Z of 4 January 2014, the Principles of Crime Prevention Act, restrictions on carrying out certain activities (protection orders) may be imposed on perpetrators of domestic violence. Breaches of protection orders are punishable under article 10.1 (2) of the Code of Administrative Offences.

68. According to a 2021 analysis of case law in criminal proceedings concerning offences against life and health committed in a family or domestic context, in 2020 a total of 3,026 persons were convicted under the relevant articles of the Criminal Code, of whom 1,631 (53.9 per cent) committed the offences in a family or domestic context. The most widespread offences in the category under analysis were those provided for in article 186 (Threats of killing, serious bodily injury or the destruction of property), article 154 (Cruel treatment), article 147 (Intentional serious bodily harm) and article 153 (Intentional minor bodily harm) of the Criminal Code.

69. The victims of violent offences committed in a family or domestic context included both men and women.

70. The Code of Administrative Offences and the Criminal Code contain provisions prohibiting various manifestations of domestic violence. Compensation for injury or harm (to a person's life or health, etc.) may also be sought through civil proceedings.

71. Beatings that do not cause bodily injury, the deliberate infliction of pain or physical or mental suffering on a close relative, family member or former family member and breaches of protection orders constitute administrative offences under article 10.1 (2) of the Code of Administrative Offences. The victims of such offences are mainly women.

72. The Code of Administrative Offences that was in force prior to 1 March 2021 (the 2003 version) included beatings that do not cause bodily injury, the deliberate infliction of pain or physical or mental suffering on a close relative or family member not constituting a criminal offence and breaches of protection orders as administrative offences (art. 9.1 (2)).

73. From 2018 to 2021, the courts heard 278,533 cases of administrative offences under article 10.1 (2) of the Code of Administrative Offences or article 9.1 (2) of the 2003 version: 67,887 in 2018, 74,225 in 2019, 62,486 in 2020 and 73,935 in 2021.

74. Following consideration of the cases, administrative penalties were imposed on 182,822 persons: 42,048 in 2018 (fines for 32,497 persons and administrative detention for 9,551 persons), 47,379 in 2019 (respectively, for 35,798 and 11,581 persons), 42,289 in 2020 (for 32,667 and 9,622 persons) and 51,106 in 2021 (for 40,322 and 10,781 persons).

75. The internal affairs and procuratorial agencies inform victims of domestic violence about their right to file a criminal or administrative complaint and about the organizations providing assistance to victims of such violence. They also prepare case files within their

fields of competence to decide, in accordance with the procedure, whether to institute criminal or administrative proceedings against the perpetrators.

76. The current national legislation provides for the establishment of public entities and units to provide temporary shelter to the victims of domestic violence and temporary accommodation to persons who have been issued with protection orders. Social welfare institutions and other public entities and units provide victims of domestic violence with social services (a list of which can be found, for example, in article 30 of Act No. 395-Z of 22 May 2000, the Social Services Act, and Council of Ministers Decision No. 1218 of 27 December 2012 on certain aspects of social service provision); they keep records of assistance to victims of domestic violence and aggregate, classify and analyse the resulting data.

77. The public infrastructure for the provision of social services to persons living in difficult circumstances (which includes victims of domestic violence and victims of trafficking in persons) comprises 146 local social services centres and two municipal family and children's support centres. This ensures stable funding and operation for the system, equal access to the full range of social services in all regions of the country, a sufficient number of qualified professionals and an effective mechanism for inter-agency cooperation.

78. In the centres, victims of domestic violence receive counselling and information, socio-educational, psychosocial and social rehabilitation services, family support, temporary shelter and other services.

79. A network of "crisis rooms" has been established to provide temporary shelter. On 1 January 2015, 105 such rooms were in operation; on 1 January 2022 that number had risen to 137. The crisis rooms have a total of 429 beds, including 130 for children.

80. Temporary shelter services are provided free of charge and include beds with bed linen and assistance with obtaining personal hygiene items and food and beverages.

81. From 2015 to 2021, temporary shelter was provided to over 2,500 victims of domestic violence.

82. Legislation is continuously being refined based on the needs of victims. For example, from 2017 to 2021, the following amendments were made to the legislation governing assistance to victims of domestic violence:

- Requirements were established for the content and quality of social services, including temporary shelter.
- Forms to identify victims of domestic violence and their requirements and to request individual or family support were approved.
- The term "Victim of domestic violence" was defined.
- The procedure for providing temporary shelter services was significantly simplified:
    - They are provided round the clock at the location of application, regardless of the applicant's place of registration or residence.
    - In case of urgent necessity and when the citizen does not have an identity document, the service is provided based on a written declaration.
    - The service is provided for an unlimited time and is set out in an agreement based on the person's specific life circumstances.

83. Public health-care institutions provide medical and psychological care to victims of domestic violence, inform other crime prevention actors, in accordance with their areas of expertise, about domestic violence incidents that have occurred and duly provide information about victims and perpetrators of domestic violence who receive medical care.

84. Health-care institutions publish and continuously update information about domestic violence issues on their websites. A "safety package" includes the telephone numbers of voluntary associations providing victims of domestic violence with information and social, legal and psychological assistance.

85. A national children's helpline, 8-801-100-1611, has been operating under the auspices of the municipal children's psychiatric clinic since 1 December 2017, pursuant to a Ministry of Health order. With the support of the United Nations Children's Fund (UNICEF), a series of training seminars has been held for specialist psychologists working in this field. A standard operating procedure for the children's helpline has been developed.

86. Helplines have been made accessible by publicizing them in the media and television and radio broadcasts and by disseminating information booklets about them and about support services for minors in crisis situations.

87. The country has a total of 23 helplines for urgent psychological assistance (with varying operating hours, staffed by specialists from different ministries and departments).

88. Issues relating to preventing and combating domestic violence are included every year in the professional development programmes for internal affairs officials. In 2021, 58 officials underwent further training under these programmes at Ministry of Internal Affairs training institutions (30 at the Ministry of Internal Affairs Academy and 28 at the Mahilioŭ Ministry of Internal Affairs Institute).

89. In 2021, 206 professionals from the local social services centres underwent further training in the provision of support for victims of domestic violence and trafficking in persons, under the auspices of the National Institute for Advanced Training and Retraining of Employees of the Ministry of Labour and Social Welfare (in 2020, the number was 79).

90. Specialists from these local centres also participate in training courses conducted by UNICEF, the United Nations Population Fund and the International Organization for Migration.

91. Health practitioners from the country's health-care institutions have taken part in various events, including national videoconferences held by the Ministry of Health and UNICEF to discuss inter-agency cooperation to identify signs of sexual violence against minors and the provision of health care to child victims of violence; a national webinar on the prevention of childhood trauma and childhood deaths from external causes; and a national practical and educational webinar on ways of countering discrimination and stigmatization of children on the basis of their health status.

92. Act No. 122-Z of 4 January 2014, the Principles of Crime Prevention Act, is the cornerstone of crime prevention, including the prevention of domestic violence. It inter alia establishes the legal and organizational basis and the specific mechanisms for combating domestic violence.

93. Act No. 151-Z on amendments to laws related to crime prevention, aimed at improving the legal regulation of domestic violence prevention, was adopted on 6 January 2022.

94. The Act amends various laws, including the Principles of Crime Prevention Act. Among other things, it establishes:

- The concepts of domestic violence and victim of domestic violence
- A package of fundamental measures to prevent domestic violence, specifying the areas of competence of crime prevention actors and their interactions
- Regulation of the use of protection orders against perpetrators of domestic violence
- The use of remedial programmes for perpetrators
- Procedures for consent to transmit information about domestic violence and for logging information about domestic violence incidents
- The rights of victims of domestic violence

95. With respect to domestic violence prevention, adoption of the Act will make it possible to:

- Increase protection for citizens, by broadening the categories of beneficiaries of preventive action, and draw up a clear list of obligations for each crime prevention actor

- Gather and use a broader range of information on domestic violence incidents
- Optimize individual crime prevention measures, considering their applicability, and expand the capabilities of crime prevention actors to provide assistance to victims and perpetrators of domestic violence

## J. Replies to the issues raised in paragraph 10 of the list of issues

96. Measures to combat trafficking in persons and protect trafficking victims are carried out on the basis of Act No. No. 350-Z of 7 January 2012, the Trafficking in Persons Act, Council of Ministers Decision No. 485 of 11 June 2015 on the identification of victims of trafficking in persons and Decision No. 44 of 21 January 2016 on the procedures for applying security measures in respect of protected persons, Ministry of Health Decision No. 41 of 28 April 2012 on the establishment of a list of essential medical services, including inpatient services, provided by public health-care institutions to victims of trafficking in persons, irrespective of their place of residence, and other laws and regulations.

97. Under domestic law, victims of trafficking in persons or related offences are entitled to:

- Security. The relevant measures are taken in the manner prescribed by the Code of Criminal Procedure and Council of Ministers Decision No. 44 of 21 January 2016 on the procedures for applying security measures in respect of protected persons, and they are carried out by the internal affairs, State security, border guard and procuratorial agencies and branches of the Investigative Committee.
- Social welfare and rehabilitation. The relevant measures are taken by the labour, employment and social protection agencies and public health-care institutions.
- Suspension of expulsion and deportation. Expulsion measures are taken by the internal affairs and State security agencies, whereas deportation measures are taken by the internal affairs and border agencies.
- Assistance. The diplomatic missions and consular offices of Belarus provide assistance to citizens who may have been subjected to trafficking in persons or related offences outside the country and to Belarusian citizens who, while abroad, have been recognized as victims by the competent authorities.

98. In Belarus, the protection and rehabilitation of victims of trafficking in persons is provided free of charge and includes the provision of temporary accommodation, health care, psychological assistance, location of the families of minor victims or their placement with foster families or in children’s homes and help in finding employment.

99. The types of social services that may be provided by public entities and units are laid down in the Social Services Act.

100. Health-care institutions are fully prepared to provide medical services to citizens with the status of victims of trafficking, including:

- Diagnostic services (clinical, instrumental and laboratory testing and diagnostic radiology methods) upon referral by local doctors, general practitioners and specialists
- Inpatient and outpatient treatment for acute illness or the exacerbation of chronic illness and home visits when patients are incapable of attending appointments or there is a threat to the life or health of the patient or other persons
- Vaccination for disease control purposes
- Psychiatric care: diagnosis and treatment of mental disorders and illnesses
- Medical rehabilitation
- Urgent medical care

101. Pursuant to article 28 (2) of Act No. 334-Z of 30 December 2011, the Bar and Advocacy Act, legal assistance for matters concerning social protection and rehabilitation for

victims of trafficking in persons, or for their legal representatives in the case of victims under the age of 14 years, is funded from the national budget.

102. The number of potential victims of trafficking in persons or related offences who applied to the labour, employment and social protection agencies for assistance was 1 in 2021 and none in 2020; these agencies provided assistance to 1 citizen in 2019, 5 in 2018, 2 in 2017 and 12 in 2016.

103. The applicants were provided with temporary accommodation, humanitarian assistance, information and advice, psychosocial services, employment assistance and referral for vocational training.

104. All the applicants were males of working age who had been subjected to labour exploitation. The citizens applied on their own behalf and on referral from the Belarus Red Cross Society, the Businesswomen's Club of Brest and Space for Success, a charitable social information institution based in Navapolatsk.

105. Trafficking in persons is a separate criminal offence under the Criminal Code (art. 181).

106. In addition, in accordance with article 1 of the Trafficking in Persons Act, offences related to trafficking in persons include: the exploitation or facilitation of prostitution (Criminal Code, art. 171); enticement to engage in prostitution or coercion to continue to engage in prostitution (Criminal Code, art. 1711); use of slave labour (Criminal Code, art. 1811); abduction (Criminal Code, art. 182); unlawful acts related to the recruitment of citizens for work abroad (Criminal Code, art. 187); and the production and distribution of pornographic material or items of a pornographic nature containing images of minors (Criminal Code, art. 3431).

107. In 2021, according to statistics from the Unified State Databank on Offences of the Ministry of Internal Affairs, 242 criminal cases for trafficking-related offences were initiated, of which 90 fell under article 171 of the Criminal Code, 33 under article 1711, 1 under article 181, 1 under 1811, 9 under article 182 and 108 under article 3431. No criminal cases were initiated for offences under article 187 of the Criminal Code.

108. After some cases were joined following preliminary investigation, 72 criminal cases concerning 130 criminal offences were transmitted to the procurator for referral to the courts. Of these, 23 cases (53 offences) fell under article 171 of the Criminal Code, 15 cases (26 offences) fell under article 1711, 5 cases (6 offences) fell under article 182 and 29 cases (45 offences) fell under article 3431.

109. Under article 171 of the Criminal Code (Organization and/or exploitation or facilitation of prostitution), 28 persons were convicted in 2018, 31 in 2019, 27 in 2020 and 24 in 2021. Under article 1711 of the Criminal Code (Enticement to engage in prostitution or coercion to continue to engage in prostitution), one person was convicted in 2018, two in 2019, none in 2020 and two in 2021. Under article 181 of the Criminal Code (Trafficking in persons), no one was convicted in 2018, 2020 or 2021 and three persons were convicted in 2019. Under article 182 of the Criminal Code (Abduction), eight persons were convicted in 2018, four in 2019, three in 2020 and nine in 2021. Under article 3431 of the Criminal Code (Production and distribution of pornographic material or items of a pornographic nature containing images of minors), 23 persons were convicted in 2018, 9 in 2019, 21 in 2020 and 11 in 2021.

## K. Replies to the issues raised in paragraph 11 of the list of issues

110. The legal basis for protecting children from all forms of violence is set out in Act No. 2570-XII of 19 November 1993, the Children's Rights Act (for example, art. 9 guarantees the right to inviolability of the person and protection from exploitation and violence), the Marriage and Family Code and other pieces of legislation.

111. Under article 189 of the Marriage and Family Code, all children have the right to protection of their person, honour and dignity from all forms of exploitation and abuse: economic, sexual, political, spiritual, moral, physical and psychological. Moreover, children

are entitled to apply for protection of their rights and legitimate interests to commissions on juvenile affairs, tutorship and guardianship agencies, procurators and, if they are over the age of 14 years, courts, and to have their rights and legitimate interests defended by their legal representatives.

112. One or both parents may be deprived of their parental authority by court order for ill-treatment of a child or abuse of such authority (Marriage and Family Code, art. 80, Decision No. 7 of the plenum of the Supreme Court of 26 September 2002 on case law relating to the removal of parental authority, para. 7).

113. The unlawful infliction of injury on a minor may be classified as an administrative offence (for example, under art. 10.1 of the Code of Administrative Offences (Intentional infliction of bodily harm and other violent acts or violation of a protection order)) or a criminal offence, depending on the severity of the bodily harm, the intent of the perpetrator and other circumstances.

114. The measures adopted and implemented to identify and protect children at social risk include those set out in Presidential Decree No. 18 of 24 November 2006 on additional measures for the State protection of children in disadvantaged families, the National Plan of Action to Improve the Situation of Children and Safeguard Their Rights for 2017–2021, approved by Council of Ministers Decision No. 710 of 22 September 2017 and the Regulations on procedures for the identification of children at social risk, approved by Council of Ministers Decision No. 22 of 15 January 2019.

115. Under the applicable national legislation, "punishment" is a penal measure. An exhaustive list of punishments, including those applicable to juveniles, is set out in the Criminal Code. The system of punishment established in articles 48 and 109 of the Criminal Code does not include measures involving physical force exerted on the person subject to penal action. The corporal punishment of children for criminal acts is thus not permitted.

## L. Replies to the issues raised in paragraph 12 of the list of issues

116. Between 9 and 15 August 2020, more than 2,000 persons were admitted to the detention centre for offenders and temporary holding facility of the Central Internal Affairs Department of the Minsk City Executive Committee, which was staffed by approximately 50 persons.

117. Many of the inmates arrived with bodily injuries that they received in the locations where the unauthorized mass events and riots had taken place. Medical care was provided to all persons in need of it by ambulance crews and by centre's and the facility's medical staff.

118. In accordance with articles 166 and 167 of the Code of Criminal Procedure, the reception of reports submitted by citizens is among the reasons to initiate a criminal case, and the decision to do so is based on the existence of sufficient evidence that a criminal offence has been committed, provided there are no circumstances precluding criminal proceedings.

119. The number of inmates who requested an investigation into alleged unlawful conduct by internal affairs officials was 680. The complainants received forensic medical examinations.

120. The overwhelming majority of complainants were citizens under the age of 30, who were unemployed, self-employed persons or students. Some had a previous record of committing administrative and criminal offences, including violent crimes.

121. The investigative agencies received approximately 5,000 reports and complaints from citizens about unlawful conduct by internal affairs officials, members of the internal military forces and other law enforcement officials, committed on the day of the presidential election and after the election campaign, when citizens were participating in mass riots and unauthorized events.

122. All the citizens' reports about the circumstances in which they received bodily injuries in the course of unauthorized events were carefully verified, as was the legality of the use of

physical force and crowd control equipment against them and their placement in temporary detention.

123. In all cases, it was decided not to initiate criminal proceedings and the persons who had made the reports were notified of the results of the investigations in the manner prescribed by law.

124. The procuratorial authorities carried out a supervisory review of the evidence forming the basis for the decisions not to initiate criminal proceedings. The decisions were found to be lawful and justified.

125. The results of the investigations show that the majority of reports were nothing other than disinformation, propagated with the aim of inflaming the situation in the country and influencing the opinion of foreign officials, partly in order to push them into breaking off relations with the legitimate authorities of Belarus and introducing sanctions.

126. The evidence gathered, including video recordings, shows that the officials used physical force and crowd control equipment while preventing offences, in line with the requirements of Act No. 263-Z of 17 July 2007, the Internal Affairs Agencies Act, and other national laws and regulations.

127. The means and methods chosen by the law enforcement officers were proportionate and applied with the intention of causing as little harm as possible in the circumstances. Allegations of abuses of power in the form of torture and sexual abuse disseminated through a number of – later recognized as extremist – Telegram channels have not been substantiated, as acknowledged in comments made by the very persons who made the allegations.

128. In many cases, it has been established that the so-called “victims” have been implicated in criminal cases involving breaches of public order and violence and threats against public officials. Indeed, 51 of the persons who made such allegations have been identified as suspects or defendants in criminal cases initiated on the basis of the mass riots that took place in Brest in August 2020 and in Minsk from July 2020 onward. In the corresponding investigation, more than 200 cases of crimes, including crimes with intent to destabilize the sociopolitical situation in the country, were combined into one proceeding. The identification of the organizers and perpetrators of these crimes has been and will continue to be the subject of painstaking work. Criminal case files concerning more than 500 defendants have been transferred to the courts.

129. The purpose of the allegations appears to have been to discredit the law enforcement agencies by accusing them of excessive use of force and falsification of evidence. This campaign was conducted, at least in part, through the media and over the Internet.

130. Law enforcement officers and public servants are still facing immense pressure. A quarter of all recorded offences related to the protests involved insults to representatives of authority or judges. In addition, investigations are under way in a significant number of criminal cases involving threats to officials. Most offences of this kind are committed online through social media, messaging applications and email, including by persons located outside Belarus.

131. The preliminary investigation into the death of Mr. Taraykovsky established that the use by police officers of a weapon and special measures against him was lawful. As a result, on 10 February 2021 the initiation of criminal proceedings was refused owing to lack of evidence.

132. A preliminary criminal investigation was carried out into the circumstances surrounding the death of Mr. Shutov. It was found that, on 25 February 2021, the criminal division of the Brest Provincial Court had found Mr. Shutov guilty of resisting, with violence, a person fulfilling the duty of upholding public order. A guilty verdict without sentence was handed down to the late Mr. Shutov under article 363 (2) of the Criminal Code and in accordance with article 46824 (3) of the Code of Criminal Procedure.

133. No person was identified during a preliminary investigation as responsible for causing the death of Mr. Krivtsov, who committed suicide, nor was any person identified as responsible for inducing him to do so. On 22 February 2021, it was decided that no criminal proceeding would be initiated, as there was no evidence that a crime had been committed.

134. For the same reason, it was decided on 27 November 2020 that no criminal case would be opened to investigate the suicide of Mr. Shishmakov, director of the Volkovysk War and Historical Museum n.a. P.I. Bagration.

135. Checks performed in connection with the death of Mr. Budnitsky did not uncover any evidence of criminal activity. His death was caused by acute alcohol poisoning. On that basis, the initiation of criminal proceedings was refused on 14 September 2020.

136. The investigation into the case concerning the serious bodily harm (Criminal Code, art. 147 (3)) inflicted on Mr. Bondarenko, which led to his death, has been suspended.

137. In accordance with article 25 of the Detention Procedures and Conditions Act, persons remanded in custody have the right to communicate with their lawyers and receive visits from close relatives and family members in accordance with the law and in the specially designated areas of the places of detention.

138. Persons remanded in custody may communicate with their lawyers in private and in confidence, with no restriction on the number or duration of interviews.

139. They may receive two-hour visits from close relatives and family members, subject to authorization by the agency conducting the criminal proceedings.

140. They may receive visits from other persons in accordance with the law.

141. Pursuant to article 15 of the Detention Procedures and Conditions Act, when persons are transferred to a place of detention or are injured while held in detention, they undergo a medical examination by the health-care personnel of the place of detention, in accordance with the rules established by law. The results of the medical examination are recorded in the established manner and communicated to the person held in detention and his or her lawyer or legal representative. The medical examination may be conducted by the personnel of public health-care facilities if the director of the place of detention or the agency conducting the criminal proceedings so decides or at the request of the person held in detention or his or her lawyer or legal representative. If such an examination is refused, an appeal may be lodged with the procurator or in court.

142. In order to uphold the rights of convicts and remand prisoners and prevent acts of torture, cruel and inhuman treatment against them, the Office of the Procurator General conducts inspections of places of detention and correctional facilities. The Office has established a telephone hotline, regularly meets with convicts and remand prisoners in person, meets with former convicts to obtain information from them about possible unlawful conduct by the administration of penitentiary institutions and investigates the causes of bodily harm inflicted on inmates in pretrial detention facilities and prisons. Where there are grounds, acts of procuratorial supervision are carried out.

143. In 2021, the prosecution authorities conducted 1,472 (765 in the first half of 2022) inspections in the penal correction institutions in Belarus, based on the results of which 717 (and respectively, 393) acts of procuratorial supervision were carried out.

144. A total of 633 (respectively, 294) internal affairs officers were held liable for violations of the law. During their inspections, the procuratorial authorities found no evidence of torture, cruel or inhuman treatment of convicts or other violence against them. The procuratorial supervision acts introduced were not related to violation of legislation in this respect.

145. Under national law, the Public Health and Disease Control Service of the Department of Finance and Logistics under the Ministry of Internal Affairs manages public health and disease control activities for the Ministry’s units, including penal correction institutions and places of administrative detention.

146. The public health and disease control situation at such facilities is permanently monitored by the Service. This monitoring, done partly using preventive and precautionary measures, verifications and technological checks, is designed to protect the health of persons kept in these facilities and their environment.

147. In the course of monitoring, it was found that in these institutions:

- There is mechanical ventilation and natural air exchange by ventilation through windows and the necessary conditions are ensured so that inmates can have outdoor exercise.
- In accordance with the legal requirements, quality drinking water is available and three hot meals per day are provided.
- In line with standards for the availability of goods, personal hygiene products (including feminine hygiene products) are available at all times.

148. On 10 August 2020, Mr. Vikhor was taken by internal affairs officers of the administration of Zheleznodorozhny District Court in Homieĺ to the Homieĺ police department for committing administrative offences under articles 23.34 and 23.4 of the Code of Administrative Offences. On 11 August 2020, the administrative penalty against Mr. Vikhor of arrest for a period of 10 days was enforced. On that same day at 8:10 p.m., Mr. Vikhor began to complain about the deterioration of his health. An ambulance crew was called, which delivered him at 1.35 a.m. on 12 August 2020 to the Homieĺ Province Clinical Psychiatric Hospital, with a diagnosis "psychosis of unclear origin", from where he was transferred to the Homieĺ Province Clinical Tuberculosis Hospital, where he died on 12 August 2020 at 3.30.

149. The information is recorded in the single register for statements and reports on crimes, administrative offences and information on incidents at the Novobelitsk District Police Department, under record number 5936 dated 12 August 2020. The body of the deceased, which had no visible signs of a violent death, was taken to the morgue to establish the cause of death. Following preliminary investigations, it was decided not to initiate criminal proceedings in the absence of evidence that an offence had been committed.

## M. Replies to the issues raised in paragraphs 13–16 of the list of issues

150. The current version of Act No. 105-Z of 4 January 2010 on the Legal Status of Foreign Nationals and Stateless Persons in Belarus (the Aliens Act) establishes the circumstances under which such foreign persons, collectively referred to as aliens, may not be expelled from Belarus. Article 171 of the Aliens Act provides that aliens may not be expelled to a foreign State where they are at risk of torture. This applies to all aliens.

151. The national legislation provides legal guarantees of non-refoulement until a definitive decision on the granting of asylum has been made. The second paragraph under the first part of article 68 of the Aliens Act establishes that when an alien applies for refugee status, subsidiary protection or asylum in Belarus, expulsion is suspended until a decision is taken on the application, and either the statutory time limit for appealing against a decision has expired or a court decision rejecting an appeal enters into force. The second paragraph under the second part of article 68 of the Act stipulates that the expulsion of aliens is terminated if they are granted refugee status, subsidiary protection or asylum in Belarus.

152. Act No. 136-Z of 1 August 2002 on Citizenship of Belarus (the Citizenship Act) includes no provision specifically for "deprivation of nationality". Article 19 of the Act defines the grounds for the loss of Belarusian citizenship where it has been acquired by persons over 18 years of age, through the conferment of nationality, registration or restoration of citizenship or on the grounds provided for by international agreements to which Belarus is party.

153. Such persons may lose their Belarusian citizenship when a sentence handed by a Belarusian court or a judgement handed down in a criminal case in a foreign State or a sentence or other decision handed down by an international or hybrid tribunal or court that has acquired legal force confirms that they have participated in extremist activities or seriously harmed the interests of Belarus.

154. In addition, the Aliens Act and other legislation provide that loss of Belarusian citizenship is not grounds for expulsion from the country.

155. Furthermore, the provision on loss of citizenship in the second paragraph of article 19 of the Citizenship Act carries no potential threat of expulsion of persons to a country where they may be at risk of torture. This kind of expulsion is prohibited under the second paragraph of article 171 of the Aliens Act, which provides that aliens may not be expelled to a foreign State where they are at risk of torture.

156. Decisions on non-refoulement or non-expulsion are taken, in accordance with the aforementioned provisions, by the Department of Citizenship and Migration of the Ministry of Internal Affairs.

157. In 2021, 486 foreign nationals (201 Ukrainian, 38 Iraqi, 34 Afghan, 27 Iranian, 26 Nigerian, 17 of the Democratic Republic of the Congo, 17 Yemeni, 15 Turkish, 14 Syrian, 13 Somali, 9 Cuban, 8 of the Russian Federation, 7 Guinean, 7 Cameroonian, 7 Palestinian, 6 Sri Lankan, 5 Lithuanian, 4 of the United States of America, 4 Ethiopian, 3 Togolese, 3 of the Democratic Republic of the Congo, 2 German, 2 Lebanese, 2 Moldovan, 1 Azerbaijani, 1 Algerian, 1 Bangladeshi, 1 Ghanaian, 1 Egyptian, 1 Israeli, 1 Canadian, 1 Chinese, 1 Ivorian, 1 Moroccan, 1 of Pakistan, 1 Sudanese, 1 Sierra Leonean, 1 Turkmen and 1 Estonian) submitted requests for refugee status, subsidiary protection or asylum.

158. In 2021, refugee status in Belarus was granted to 21 foreign nationals (13 Turkish, 4 of the Russian Federation, 1 Afghan, 1 Cameroonian, 1 Lebanese and 1 Turkmen), subsidiary protection was granted to 280 foreign nationals (251 Ukrainian, 11 Syrian, 9 Yemeni, 5 Afghan, 3 Armenian and 1 Turkish), the decision to extend the period of subsidiary protection was taken in respect of 2,218 foreign nationals (2,111 Ukrainian, 41 Syrian, 25 Afghan, 21 Yemeni, 10 Iraqi, 7 Libyan, 1 Georgian, 1 Kyrgyz and 1 Lebanese) and 88 foreign nationals were denied refugee status and subsidiary protection (16 Ukrainian, 10 Nigerian, 9 of the Russian Federation, 6 Cameroonian, 6 Guinean, 5 Iraqi, 4 of the Democratic Republic of the Congo, 4 Turkmen, 4 Sri Lankan, 3 of the United States of America, 2 Lithuanian, 2 Estonian, 1 Armenian, 1 Gambian, 1 German, 1 Georgian, 1 Israeli, 1 Iranian, 1 Canadian, 1 Chinese, 1 Lebanese, 1 Malian, 1 Moroccan, 1 Palestinian, 1 Polish, 1 of the Democratic Republic of the Congo, 1 Saudi Arabian and 1 Turkish).

159. In 2021, 1,126 decisions were taken on deportation and 835 decisions were taken on expulsion of aliens from Belarus.

160. Belarus is currently conducting internal governmental procedures in connection with its accession to the 1961 Convention on the Reduction of Statelessness and the 1954 Convention relating to the Status of Stateless Persons.

161. No diplomatic assurances were provided in cases of refoulement, extradition or expulsion.

162. Between 2018 and 2021, the Office of the Procurator General did not receive any requests from third States for the extradition of persons suspected of committing crimes of torture.

163. The Criminal Code applies irrespective of the criminal law of the place where the act was committed in respect of crimes against human security (Criminal Code, art. 128) and also other crimes committed outside Belarus that are punishable under an international agreement legally binding on Belarus (Criminal Code, art. 6 (3.2 and 3.9)). Accordingly, torture qualifies as a crime under universal jurisdiction.

## N. Replies to the issues raised in paragraph 17 of the list of issues

164. Scheduled and systematic further and advanced training for judges, including on the application of legislation and provisions of international agreements to which Belarus is party, is carried out at the Belarusian State University Institute for Further and Advanced Training for Judges, Prosecutors and other Judicial Officers.

165. Training is delivered with the use of modern technologies and teaching materials, by highly qualified specialists from among the teaching staff of the Institute, the Belarusian State University law faculty and other educational institutions and scientific organizations, and by Constitutional Court and Supreme Court judges and employees of the Office of the

Procurator General, the Ministry of Justice and other government bodies and organizations. Seminars and conferences, some of them international, are regularly organized for students of the Institute.

166. Procuratorial staff regularly receive advanced training at the Belarusian State University Institute for Further and Advanced Training for Judges, Prosecutors and other Judicial Officers. Training programmes are currently being developed in a variety of areas, including monitoring of preliminary investigations, investigations and legal proceedings and the treatment of detained or imprisoned persons.

167. A Code of Ethics for Procuratorial Staff has been in force since 2007. It sets out the basic principles and rules of conduct for procurators in the performance of their official duties.

168. At the International Training Centre for Migration and Combatting Human Trafficking in Minsk, officials took part in a two-day training course on humanitarian law held under the auspices of the International Committee of the Red Cross, from 6 to 7 July 2021.

169. The key provisions of the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials were studied during the course.

## O. Replies to the issues raised in paragraph 18 of the list of issues

170. In Belarus, there is a mechanism for public oversight of the rights of prisoners, including those who are minors. This oversight is carried out by public monitoring commissions.

171. The public monitoring conducted by these commissions is intended to identify any violations of prisoners' rights and problems related to the serving of their sentences.

172. The public monitoring commissions for penal correction institutions, established under the Ministry of Justice (the National Public Monitoring Commission) and the central departments of justice of the provincial and Minsk executive committees (local public monitoring commissions) are fully independent.

173. The activities of the public monitoring commissions are independent from government bodies. They are formed by civil society without interference by government bodies: candidate members are nominated by voluntary associations. The public monitoring commissions themselves also participate in the composition of the commissions. Public monitoring commissions make their own decisions about which penal correction institutions to visit and when, how to conduct their checks and what conclusions and recommendations to issue.

174. The members of these commissions are from more than 50 voluntary associations. Their membership is periodically renewed, which gives different voluntary associations the opportunity to participate in their activities. The State authorities facilitate their activities by providing meeting rooms, transport and office supplies.

175. In accordance with paragraph 10 of the Regulations governing the procedures for voluntary associations to monitor the activities of the agencies and institutions that enforce sentences and other criminal penalties, which were approved by Council of Ministers Decision No. 1220 of 15 September 2006, representatives of the commissions are entitled to:

- Visit, where authorized in accordance with the established procedure, the premises of agencies and institutions that enforce sentences and other criminal penalties, such as open prisons, detention centres, correctional facilities, pretrial detention centres serving as correctional facilities for prisoners who have been left in the pretrial detention centres to perform maintenance work and the prison inspectorates of local internal affairs agencies, provided that they adhere to the internal regulations of those agencies and institutions
- Interview any person held by such institutions, with the exception of detainees remanded in custody, provided that the person consents to the interview

- Speak with the head or deputy head of such facilities, and with government officials whose department's or unit's remit includes the rights and legitimate interests of persons held by such institutions
- Submit requests to such institutions for any information and documents required to complete their public monitoring duties and prepare their conclusions, with the exception of the documents specified in paragraph 11 (2.3) of the above regulations
- Conduct surveys among persons detained by such institutions

176. To exercise these rights, the public monitoring commissions must, in accordance with established procedure, submit to the relevant authorized bodies requests to visit agencies and institutions that enforce sentences and other criminal penalties. All such requests have been approved promptly.

177. During their meetings, the public monitoring commissions generally plan their visits to agencies and institutions that enforce sentences and criminal penalties.

178. When the public monitoring commissions have been required to conduct an unplanned visit to an agency or institution following a complaint from a member of the public, they have been allowed to do so immediately.

179. In 2019, members of the country's public monitoring commissions conducted visits to 17 institutions of the penal correction system.

180. During visits to such institutions, attention is paid to the conditions of detention and the medical care, recreational and learning activities, and moral, cultural, social, occupational and physical education and guidance provided for prisoners.

181. Interviews were conducted with prisoners. No staff from the administration of the institution are present during the interviews with prisoners. Members of the commissions are entitled to visit any premises of penal correction institutions. Each visit to a penal correction institution is accompanied by an optional survey of a proportion of the prisoners. The survey is anonymous. The administration of the facility does not participate in the process.

182. In their visits to penal correction institutions, the public monitoring commissions have not identified any incidents of torture or other cruel, inhuman or degrading treatment or punishment of prisoners. No complaints were received from the prisoners.

183. Owing to the public health situation and restrictions on visits to penal institutions, public monitoring commissions did not visit any such institutions in 2020.

184. They have now begun to resume visits to institutions that enforce sentences and other criminal penalties.

185. In 2021, the National Public Monitoring Commission visited Correctional Colony No. 15 and Correctional Colony No. 17 as part of its duties to conduct public monitoring of the activities of agencies and institutions enforcing sentences and other criminal penalties.

186. During the visit, the Commission viewed convicts' living conditions and observed recreational activities, working conditions and medical care, held interviews with convicts and conducted a survey among persons held in these correctional facilities.

187. The conditions in Correctional Colonies Nos. 15 and 17 for convicts' accommodation, food, medical treatment, leisure activities and employment met all of the established requirements for penal correction institutions. No complaints or criticisms about the work of the prison administration or accommodation conditions were received during the interviews with convicts.

188. The Commission highly appreciated the work of the staff at Correctional Colony No. 15 and the Penal Correction Department of the Ministry of Internal Affairs on the organization of medical care for convicts and the work of the psychologists.

189. The Commission took note of the work being done to improve convicts' living conditions, including by renovating living quarters, improving the grounds and providing convicts with the opportunity to make video calls, and also by providing convicts and their relatives with the opportunity to make online purchases in the facility's online store.

190. The necessary procedures have been put into place to allow convicts at Correctional Colony No. 15 to study for a degree through distance learning and complete vocational and technical training in a number of professions onsite.

191. The Commission welcomed the fact that there were opportunities for convicts at Correctional Colony No. 17 for distance learning, employment, participation in sports competitions, contact with relatives by video call and the use of an online food store.

192. At the same time, Commission members noted the need to pay more attention to psychologists' work with convicts at Correctional Colony No. 17 and to conduct activities to encourage law-abiding behaviour, strengthen useful social connections, avoid recidivism and encourage interest in education and training.

193. No complaints were received from convicts at Correctional Colony No. 15 or Correction Colony No. 17.

194. The above-mentioned shortcomings at Correctional Colony No. 17 were corrected promptly and this was reported to the National Public Monitoring Commission. The Commission is planning a second visit to the Colony.

195. In December 2021, the National Public Monitoring Commission and the local public monitoring commissions held a joint meeting where they considered issues concerning cooperation between public monitoring commissions and agencies and institutions that enforce sentences and other criminal penalties, cooperation between the national and local public monitoring commissions, including on planning joint visits to penal institutions in 2022, and other matters. In addition, proposals were put forward for the further development of public monitoring commissions' activities.

196. In the first quarter of 2022, the Ministry of Justice held a training seminar for representatives of public monitoring commissions that conduct monitoring of agencies and institutions enforcing sentences and other criminal penalties. Staff from the Office of the Procurator General, the Penal Correction Department of the Ministry of Internal Affairs and the Academy of the Ministry of Internal Affairs were invited. In their presentations, the government representatives focused on the theoretical and practical aspects of the monitoring commissions' activities. The participants raised issues concerning cooperation with agencies and institutions that enforce sentences and other criminal penalties, made constructive proposals for the further development of the commissions' activities and also made proposals regarding legislative amendments to improve legal relations in that sphere.

197. In 2022, the National Commission visited Correctional Colony No. 4, where women convicts are held. During the visit, the Commission viewed convicts' living conditions and observed recreational activities, working conditions and medical care, held interviews with convicts and conducted a survey among the convicts held at the facility.

198. The National Commission considered that the conditions in Correctional Colony No. 4 for convicts' accommodation, food, medical treatment, leisure activities and employment met all of the established requirements for penal correction institutions. No complaints or criticisms about the work of the prison administration or accommodation conditions were received during the interviews with convicts.

199. The Commission highly appraised the work of the staff and the Penal Correction Department for the organization of medical care for convicts, the work of the psychologists at the facility and living conditions and recreational activities for mothers and children. The Commission took note of the work done to improve convicts' living conditions, including by renovating living quarters, improving the grounds, providing convicts with the opportunity to make video calls and also providing convicts and their relatives with the opportunity to make online purchases in the facility's online store.

200. In June 2022, the National Commission visited Correctional Colony No. 2 of the Penal Correction Department for Mahilioŭ Province, located in the city of Bobruysk, where juvenile convicts serve their sentences, along with convicts remaining in this correctional institution beyond the age of 18, in accordance with the law.

201. During the visit, the Commission took part in the presentation of certificates to convicts who had completed their secondary education. Parents and officials of the Bobruysk

municipal executive committee attended the presentation. The formal ceremony was followed by an informal celebration organized by the parents. It was held in the dining area, and treats were provided. In addition to this event, the commission visited the vocational ward. Branch No. 2 of the Bobruysk State Construction College operates at the Colony, and convicts are trained as plumbers and woodworking machine operators.

202. A number of convicts are studying remotely with the Moscow Institute of Economics, Politics and Law. Optional courses have been held in a number of subjects, including psychology, intermediate level English, starting a business, basics of accounting, advertising management and drawing and painting.

203. The colony has numerous interest groups: a literature club called “Read, Friends”, a “Discord” singing club, a “Burlesque” music club and a “Calembour” comedy club, as well as a “Magic Box” drama workshop. The managing authorities of the Colony have placed a strong emphasis on sports. There are clubs for football, volleyball and table tennis. The Colony has equipped sports grounds, including a hockey rink.

204. The convicts’ food service is organized in line with new standards. There is access to good medical facilities. Convicts may use video calls to contact relatives.

205. The National Commission’s representatives were able to see for themselves that the Colony is working hard to encourage a healthy lifestyle, eradicate harmful habits and encourage convicts to develop a sense of responsibility for their own actions.

206. Information on the Commission’s visits to agencies and institutions in the penal correction system is published and freely available on the official online portal of the Ministry of Justice.

207. Information is uploaded on a regular basis. It is also available for previous years and is freely accessible.

208. In 2022, a competition was planned for the most active local commission and the most active commission member, and also for the presentation of awards for the commission representatives who were most active in the work of such commissions during the year.

209. A joint meeting between the national and local public monitoring commissions was also planned for 2022 to discuss issues relating to their activities. Representatives of the interested State bodies were invited to attend in order to provide a summary of work for 2022 and to present the awards to the competition winners.

## P. Replies to the issues raised in paragraph 19 of the list of issues

210. The purposes of coercive security measures and compulsory treatment are set out in article 100 of the Criminal Code.

211. First, they may be ordered by a court in respect of a person suffering from mental disorders or illnesses who has committed a socially dangerous act, as provided for under the Criminal Code, with the aim of preventing such persons from committing such acts again and also of protecting and treating such persons.

212. Second, they may be ordered by a court alongside a penalty for perpetrators of crimes who are recognized as being of diminished mental capacity, with the aim of establishing a framework for their treatment and criminal prosecution.

213. Third, they may be ordered by a court alongside a penalty in respect of persons who have committed crimes and who suffer from chronic alcoholism or drug addiction, with the aim of providing for their treatment and establishing a framework for their criminal prosecution.

214. Chapter 46 of the Code of Criminal Procedure establishes Regulations for criminal cases in which coercive security measures and compulsory treatment are applied.

215. In accordance with article 442 (1) of the Code of Criminal Procedure, coercive security measures and compulsory treatment are applied by a court to persons who have committed socially dangerous acts, as defined under criminal law, in a state of mental

incompetence or who, after committing a crime, develop mental disorders or illnesses that deprive them of the ability to control or realize the significance of their actions, if such persons, by the nature of the acts they have committed and their mental state, constitute a danger to society.

216. In accordance with article 446 (1) of the Code of Criminal Procedure, trials of criminal cases involving the application of coercive security measures or compulsory treatment take place in a court hearing with the mandatory participation of a procurator and a defence lawyer.

217. Pursuant to article 446 (2) of the Code of Criminal Procedure, evidence proving or disproving the person's commission of a socially dangerous act, as defined under criminal law, must be examined in court. An expert opinion on the person's mental state must be heard and other circumstances relevant to a decision on the application of coercive security measures or treatment must be examined.

218. If it is demonstrated that a socially dangerous act, as defined under criminal law, has been committed by the person in question in a state of mental incompetence or that after committing the crime the person developed a mental disorder or illness that makes it impossible to impose or execute a penalty, the court issues a ruling or decision on the application of a coercive security measure or compulsory treatment for that person, specifying which measure and treatment (Code of Criminal Procedure, art. 448 (1)).

219. Under article 449 of the Code of Criminal Procedure, a court ruling or decision may be appealed to a higher court within 10 days by defence lawyers, legal representatives of the subjects of the criminal case, victims or their representatives, and may be appealed by the procurator within the same period.

220. The court terminates or modifies coercive security measures and compulsory treatment on the recommendation of a psychiatric hospital administration and the conclusion of a medical advisory commission of medical specialists in the provision of psychiatric care (Code of Criminal Procedure, art. 450 (1)).

221. Under a decision issued by the court of Rechitsa district, Homieĺ Province, on 18 May 2020, Mr. Lapitsk, who had numerous previous convictions, was found guilty of the attempted deliberate destruction of another person's property by arson and infliction of large-scale damage and, on the basis of article 14 (1) and article 218 (3) of the Criminal Code, he was sentenced to 8 years' deprivation of liberty. In accordance with article 107 of the Criminal Code, he was issued with a compulsory treatment order for alcoholism.

222. On 8 July 2021, the court of Mozyr district, Homieĺ Province, considered a recommendation by the administration of Correctional Colony No. 20 of the Penal Correction Department of the Ministry of Internal Affairs for Homieĺ Province to terminate Mr. Laptski's compulsory treatment order.

223. According to the medical report, the convict has undergone a full course of treatment at Correctional Colony No. 20 and does not need further compulsory treatment.

224. On 8 July 2021, the court of Mozyr district, Homieĺ Province, issued a ruling to terminate the coercive security measures and compulsory treatment for Mr. Lapitski.

## Q. Replies to the issues raised in paragraph 20 of the list of issues

225. Arrangements concerning the establishment of grounds for sending citizens to labour treatment facilities for their enforced isolation and medical and social rehabilitation through compulsory labour, the organization of the activities of such facilities, the legal status of citizens there, the grounds for the termination, extension and reduction of the period of stay of citizens at such facilities and other arrangements involved in the execution of court decisions to send citizens for treatment through labour are governed by Act No. 104-Z of 4 January 2010 on the Procedure and Conditions for Sending Citizens to Labour Treatment Facilities and the Conditions for Their Stay.

226. Under article 17 of the Act, citizens at labour treatment facilities have the right to, inter alia, safety, humane treatment and respect for their human dignity and the provision of

medicine, food and medical and psychological support, as well as the right to submit requests, proposals, applications and complaints and to use the services of a lawyer or a citizen entitled to provide legal assistance.

227. Citizens at such facilities may submit complaints regarding the decision to send them there through the facility's administration. Such complaints are considered by the local court. The complaint must be considered by the court no later than 10 days from its date of receipt. The complaint is considered by the court in the presence of complainants when the court recognizes their attendance as necessary and of a representative of the facility (Code of Civil Procedure, art. 358–4 (2) and art. 358–5 (2)).

228. From 2018 to 2020, courts of general jurisdiction issued decisions to send citizens to labour treatment facilities in the following numbers of cases: 7,837 in 2018; 7,470 in 2019; 4,838 in 2020; and 5,713 in 2021.

## R. Replies to the issues raised in paragraph 21 of the list of issues

229. The national penal enforcement legislation is intended to regulate the enforcement and the serving by convicts of sentences and other criminal penalties; to define means of criminal prosecution and the social rehabilitation of convicts in the fulfilment of their sentences; and to protect the rights and legitimate interests of convicts.

230. The penal enforcement legislation and its application in practice are based on strict observance of the guarantees of protection against torture, violence and other cruel or degrading treatment of convicts and persons in detention.

231. The activities of agencies and institutions enforcing sentences and other criminal penalties is monitored in accordance with the national legislation and within the competence of government agencies and voluntary associations.

232. Compliance with the law by bodies and institutions of the penal system is subject to procuratorial supervision.

233. At present, there is no overcrowding in the penitentiary institutions of the Ministry of Internal Affairs and the space standards established by law are fully complied with.

234. The Criminal Code provides for a number of measures to prevent overcrowding in places of deprivation of liberty: conditional release (art. 90), commutation (art. 91), exemption or commutation on the grounds of illness (art. 92), amnesty (art. 95) and pardon (art. 96).

235. Of these measures, the one with the most impact has been amnesty. In recent years, the following laws have been adopted in Belarus:

- Act No. 230-Z of 19 July 2019, providing for an amnesty on the occasion of the seventy-fifth anniversary of the liberation of Belarus from the nazi invaders
- Act No. 17-Z of 18 May 2020, providing for an amnesty on the occasion of the seventy-fifth anniversary of the victory in the Great Patriotic War of 1941–1945

236. In addition, Act No. 112-Z of 26 May 2021 was adopted. It amended the Criminal Code, the Code of Criminal Procedure and the Penalties Enforcement Code, including article 75 of the Criminal Code, which establishes the rules for setting off periods of detention and house arrest. This led to a number of convicts having their sentences reduced.

## S. Replies to the issues raised in paragraph 22 of the list of issues

237. There has been no information on a denial of adequate medical care resulting in deaths in the penitentiary institutions of the Ministry of Internal Affairs.

238. Regarding the death of Mr. Barbaschynski, The Investigative Committee, with the support of specialists from the Ministry of Health, carried out verification measures. At the instruction of the Investigative Committee, additional measures were taken for the provision

of medical care at the Penal Correction Department's Prison No. 8 correctional facility for the city of Minsk and Minsk Province.

239. The Department's psychological support service plays an important role in preventing suicides and resolving conflicts in places of deprivation of liberty.

240. In accordance with article 107 (1) of the Penalties Enforcement Code, convicts are provided with psychological support in adapting to the conditions of detention, resolving conflicts, normalizing their emotions and state of mind and overcoming negative outlooks. In addition, the level of education and professional training of staff of the correctional facilities' psychological support services meets the requirements stipulated in the provisions of article 4 of Act No. 153-Z of 1 July 2010, the Psychological Assistance Act. This allows staff to provide convicts with all of the types of psychological support envisaged in article 5 of the Psychological Assistance Act.

241. The necessary conditions have been created at Ministry of Internal Affairs correctional facilities for the provision of psychological treatment, which is administered in both individual and group settings. In group treatment, the aim is to explore participants' psychological issues and support the resolution of those issues, improve participants' well-being and mental health, build foundations for effective communication and prevent emotional disorders.

242. The group treatment includes programmes to develop skills for effective communication and self-control and the ability to cope with difficult situations in everyday life, to prevent and constructively resolve conflicts and to develop a set of values and characteristics that will help convicts to successfully reintegrate after their release, which is important in preventing recidivism. Particular attention is given to the development of self-control, the prevention of psychological and emotional disorders and the treatment of addictive and self-injurious behaviour.

243. The prevention of aggressive and self-injurious behaviour is closely monitored by the Penal Correction Department, which analyses such work and takes appropriate management decisions. The Department organizes and conducts regular activities aimed at improving staff skills in the prevention of aggressive and self-injurious behaviour among inmates and sends the correctional facilities' psychological support staff on advanced training courses as part of relevant training programmes at the country's higher education institutions.

244. In accordance with article 107 of the Penalties Enforcement Code, psychological support is provided to convicts on a voluntary basis. As such, all convicts have the opportunity to receive individual psychological support or to undergo one or several psychological treatment programmes during their sentence.

## T. Replies to the issues raised in paragraph 23 of the list of issues

245. The death penalty has remained in force following the results of a national referendum held in 1996, in which more than 80 per cent of Belarusians favoured retention of this punishment of last resort.

246. Under article 59 (1) of the Criminal Code, the death penalty – execution by firing squad (pending abolition of the death penalty) – may be imposed as a measure of last resort for the punishment of crimes under article 124 (2) (Act of terrorism against a representative of a foreign State or international organization), article 126 (3) (Act of international terrorism), article 289 (3) (Act of terrorism) and article 359 (2) (Act of terrorism against a State or public figure) of the Criminal Code, for the premeditated deprivation of human life with aggravating circumstances and for certain other especially serious offences.

247. Under the Criminal Code, the death penalty is prohibited in its entirety, without exception, for all women, minors and men over 65 years old.

248. In accordance with article 67 (2) of the Criminal Code, the death penalty cannot be imposed for the preparation or attempted commission of a crime, except for the attempted commission of crimes under articles 124 (2), 126 (3), 289 (3), and 359 (2) of the Code.

249. Until the abolition of the death penalty, under Belarusian law, the courts have the right to impose the penalty and the bodies responsible for the enforcement of punishments have the right to carry out such sentences.

250. The legal status of those sentenced to the death penalty is defined in chapter 22 of the Penalties Enforcement Code.

251. Persons sentenced to death are held under tight security in separate cells and fulfil the obligations and exercise the rights established for persons detained in places in which preventive measures are enforced in the form of remand in custody (Penalties Enforcement Code, art. 174 (1)).

252. In accordance with article 175 (5), of the Penalties Enforcement Code, the administration of the facility where the death penalty is carried out is required to notify the court that handed down the sentence that it has been enforced, and the court then informs the next of kin.

253. Statistical data attest to the exceptional nature of the use of the death penalty in Belarus: in the period 2011–2014, death sentences were handed down to seven persons. In May 2021, clemency was granted to two of the sentenced persons (the sentences were commuted to life imprisonment).

254. According to a 2017–2018 social survey conducted by the Information Analysis Centre, 60 per cent of respondents were in favour of retaining the death penalty. The act of terrorism that took place in the Minsk metro on 11 April 2011 played a significant role in the formation of public opinion on this issue.

255. A parliamentary working group on the study of the death penalty as a punitive measure in Belarus has been in operation since February 2010. Members of this group have held meetings and have been involved on an ongoing basis in social and political events concerning the death penalty.

256. On 18 April 2018 in Minsk, a round table took place on legal aspects of the potential abolition of the death penalty. It was organized by the Council of Europe and the parliamentary working group, with the participation of the public authorities and civil society and international experts, including experts from the Office of the United Nations High Commissioner for Human Rights and the diplomatic corps accredited in Belarus.

257. On 10 October 2018, the Chair of the Standing Committee on International Affairs of the House of Representatives of the National Assembly, Mr. V.I. Voronetsky, together with representatives of civil society, took part in a debate of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe on the occasion of World Day Against the Death Penalty.

258. On 28 November 2018, the Chair of the Standing Committee on Human Rights, Inter-ethnic Relations and the Mass Media of the House of Representatives of the National Assembly, Mr. A.N. Naumovich, spoke at the 11th International Congress of Justice Ministers on a world without the death penalty, in Rome.

259. The 7th World Congress against the Death Penalty (27 February–1 March 2019, Brussels) was attended by a Belarusian delegation that included Mr. A.N. Naumovich and the Deputy Minister for Foreign Affairs, Mr. O.I. Kravchenko.

260. On 27 August 2019, an international conference under the title “Public Opinion and the Death Penalty in Belarus” took place in Minsk, with the participation of members of the House of Representatives of the National Assembly and the Council of Europe, representatives of foreign non-governmental organizations and experts.

261. In January 2020, a National Assembly working group was set up to study the abolition of the death penalty (with as its Chair the Head of the Commission for Human Rights, Community Relations and the Mass Media of the House of Representatives of the National Assembly, Mr. G.B. Davydko).

262. Act No. 165 of 13 May 2022 amended articles 59 (1) and 67 (2) of the Criminal Code, which establish the possibility of imposing the exceptional punishment of the death penalty

in cases of the attempted commission of acts of terrorism. In accordance with the amendments, the death penalty may be imposed in the following cases:

- For the attempted murder of a representative of a foreign State or international organization for the purposes of provoking international tension or war
- For the attempted commission of a terrorist act with the use of nuclear facilities or radioactive, chemical or biological substances
- For the attempted assassination of a State or public figure with the aim of influencing the decision of the authorities or intimidating the population

263. These amendments are proactive measures to toughen the approach to punishment for a number of particularly dangerous crimes and are intended to become an effective preventive measure against current challenges and threats. They do not contradict the Constitution or international legal norms, in particular the principles of the imposition and application of the death penalty enshrined in the International Covenant on Civil and Political Rights and the Commonwealth of Independent States Convention on Human Rights and Fundamental Freedoms, to which Belarus is a party. The practice of certain foreign countries that apply the death penalty for similar acts was taken into account when the bill was drafted.

264. Opinion polls conducted in recent years confirm that the majority of the population still favours retention of the death penalty, with a slight downward trend in the number of supporters. This problem continues to arouse considerable interest in society; it was actively discussed within the framework of the preparation of amendments and additions to the Constitution that were adopted by referendum on 27 February 2022.

265. This issue will continue to be studied, including in the context of preparations for a possible, albeit not imminent, referendum on the abolition of the death penalty.

## U. Replies to the issues raised in paragraph 24 of the list of issues

266. On the criminal cases concerning the unexplained disappearances of Mr. V.I. Gonchar, Mr. A.S. Krasovsky and Mr. Y.N. Zakharenko, the preliminary investigation was suspended on 18 March 2020, as the identity of the persons to be charged could not be established. If significant information is received, the reopening of the investigation will be considered without delay. The investigative units of the Investigative Committee have seven pending criminal cases of alleged enforced disappearances of citizens. Proceedings in these criminal cases are currently suspended on the same grounds.

## V. Replies to the issues raised in paragraphs 25 and 26 of the list of issues

267. No criminal cases involving torture or ill-treatment by law enforcement officers were investigated in 2020–2021. No criminal cases involving torture or ill-treatment by law enforcement officers came before the courts in 2021.

## W. Replies to the issues raised in paragraph 27 of the list of issues

268. Belarus has a well-developed system of specialized bodies bringing together the State and civil society to protect and promote various categories of human rights, including the National Commission on the Rights of the Child; the National Council on Gender Policy; the National Interdepartmental Council on Disability; the Inter-Ethnic Advisory Council; the Interfaith Advisory Council; the National Council on Labour and Social Affairs; the Public Coordinating Council on the Mass Media; and the Public Coordinating Council on the Environment.

269. The Citizens' and Legal Entities' Appeals Act, Act No. 300-Z of 18 July 2011, plays an important role in the protection of human rights in Belarus. It regulates the procedure enabling citizens and legal persons to realize their right to complain to State bodies and other organizations in order to protect rights and freedoms and/or legitimate interests. The Act sets out the rights and obligations of petitioners, the procedure for submitting written, electronic

and oral communications, the procedure for organizing a personal appointment, arrangements for the representation of petitioners, the time frames for considering communications and the process for the consideration of different types of communication.

270. Lessons learned from the work of national human rights institutions show that the establishment of such an institution must be accompanied by the allocation of adequate resources for the satisfactory discharge of its mandate. Taking into account both the activities of existing specialized State-public institutions for the protection and promotion of various categories of human rights and the economic factor, Belarus will continue to study international experience with the functioning of human rights institutions and consider the question of the feasibility and advisability of supplementing them with an institution in the spirit of the Paris Principles.

## X. Replies to the issues raised in paragraph 28 of the list of issues

271. See paragraphs 5 and 70 of this report.

## Y. Replies to the issues raised in paragraph 29 of the list of issues

272. The court, maintaining objectivity and impartiality, provides the prosecution and defence with the necessary conditions for the exercise of their rights. The court decides on the guilt or innocence of the accused solely on the basis of reliable evidence that has been subjected to a comprehensive, complete and objective examination and assessment (Code of Criminal Procedure, art.18 (2)).

273. Coercion to give evidence or testimony, in the form of violence, threats or other unlawful measures, is prohibited (Code of Criminal Procedure, art. 18 (3)).

274. Each piece of evidence is assessed in terms of its relevance, admissibility and reliability, and all the evidence collected, in its totality, is assessed in terms of its sufficiency for the completion of the preliminary investigation and the resolution of the criminal case in court proceedings (Code of Criminal Procedure, art. 105 (1)).

275. Evidence is deemed to be inadmissible if it is obtained in violation of the constitutional rights and freedoms of citizens, the requirements of the Code of Criminal Procedure dealing with deprivation or restriction of the rights of parties to criminal proceedings or violations of other rules of criminal procedure (Code of Criminal Procedure, art. 105 (4)).

276. Evidence obtained in violation of the law is deemed to have no legal force and may not be used as a basis for indictment or to substantiate evidence in a criminal case (Code of Criminal Procedure, art. 105 (5)).

## Z. Replies to the issues raised in paragraph 30 of the list of issues

277. Between 2015 and 2021, a number of amendments were made to the law on minors. Act No. 112-Z of 26 May 2021 amending the Criminal Code in respect of criminal liability introduced a number of adjustments aimed at liberalization and at improving the situation of minors when they are the subject of criminal prosecution. In particular:

- A unified approach to determining the amount of fines has been established, with the minimum and maximum limits ranging from 5 to 50 basic units (Criminal Code, art. 111 (Fines)). Previously, the amount had been set not to exceed 20 times the base unit, and for acquisitive offences, 100 times the base unit.
- Exemption from pretrial detention for minors aged between 14 and 16 years. Minors who have reached 16 years of age by the date on which the sentence is pronounced may be detained and held for a period of 1 to 2 months (Criminal Code, art. 114 (Detention)).
- Reduced duration of the criminal record for minors. Thus, the criminal record of a person convicted without sentencing for an offence committed while under 18 years

of age is expunged 3 months (previously 6 months) from the date of entry into force of the court sentence for a crime that does not pose a great public danger and after 6 months (previously 1 year) for a less serious offence. The criminal record of a person sentenced to compulsory re-education measures is expunged 3 months (previously 6 months) from the date of entry into force of the court sentence for an offence that does not pose a great public danger, and after 6 months (previously 1 year) for a less serious offence.

278. Under the same Act, article 221 (Specific requirements for the questioning of juvenile victims and witnesses) of the Code of Criminal Procedure was supplemented by paragraphs 21 and 4. Under paragraph 21, the questioning of a juvenile victim or witness who has not reached 16 years of age in criminal cases concerning crimes against personal liberty, honour and dignity, life and health, sexual inviolability or sexual freedom must, if possible, be conducted in a child-friendly interview room.

279. Paragraph 4 stipulates that sound and video recording is mandatory during investigative activities involving a juvenile victim or witness under 14 years of age, except in cases where the juvenile victims or witnesses or their legal representatives object to it, in cases of urgency and in cases where such recording is impossible for technical reasons.

280. Article 333 (1) (Disclosure of victim and witness testimony) of the Code of Criminal Procedure has been supplemented by paragraph 21, according to which the disclosure of victim and witness testimony given during pretrial proceedings, as well as playback of a sound recording of the testimony or a video or film recording of questioning, is permitted at the discretion of the court or at the request of the parties if the victim or witness is under 14 years old and if there is a sound or video recording of the testimony in the criminal case file.

281. In order to eliminate legal uncertainty and ensure the protection of the rights of minors sentenced to compulsory re-education measures, the new wording of article 185 (Rewards and penalties applied to minors sentenced to compulsory re-education measures) of the Penalties Enforcement Code (as amended by Act No. 69-Z of 10 December 2020) establishes their right to appeal against an official's decision to impose a disciplinary measure in the form of reprimand or rebuke.

282. On 1 March 2021, a new Code of Administrative Offences came into effect. One of the main features of the Code is the prioritization of preventive measures over punishment. Thus, in chapter 5 (Preventive measures), the types and content of preventive measures are defined. Such measures are verbal reprimand, warning and educational measures (in respect of minors).

283. Preventive measures are applied on the release of a person from administrative penalties, in order to prevent the commission of new administrative offences.

284. Under article 9.4 of the Code, the following re-education measures may be applied to minors upon their release from an administrative penalty in order to educate them: explanation of the law; obligation to apologize to the victim; obligation to make amends for harm caused; and restriction of recreation.

285. The Plenum of the Supreme Court, in Judgment No. 3 of 30 June 2022 on the application by the courts of the norms of the general part of the Code of Administrative Offences, drew the attention of the courts to the fact that, when addressing the issue of the administrative liability of minors, it is necessary in each case to consider the possibility of release from administrative penalties and the application of preventive measures if they can achieve the goals of an administrative penalty without applying one on the minor.

286. Juveniles in custody are provided with improved living conditions and food of a higher nutritional standard, as established by the Government.

287. They are provided with the conditions for receiving a general basic and secondary education. Cultural and developmental work is conducted with them and they are allowed to purchase textbooks, study guides and school supplies without restriction. Their placement in cells takes into account their personalities and psychological compatibility. Minors and persons who have reached 18 years of age are placed separately from one another.

288. Detainees have the right to practice their religion and religious rituals and ceremonies in the premises of the place of deprivation of liberty and to carry religious literature and religious items (Detention Procedures and Conditions Act, art. 10).

289. In June 2018 and October 2019, the National Public Monitoring Commission, in order to exercise public oversight of the activities of bodies and institutions executing punishment and other measures of criminal responsibility, visited the Educational Colony No. 2 correctional facility, where juvenile convicts serve their sentences, along with convicts who, in accordance with the law, have remained at the correctional facility after the age of 18. The inmates include persons convicted under article 328 of the Criminal Code (Trafficking in narcotic substances, psychotropic substances and their precursors and analogous substances).

290. During the above-mentioned visits, the Commission familiarized itself with the living conditions of the convicts, the organization of recreation and the provision of employment assistance and health care, and it conducted a survey of convicts. The Commission's Chair held personal interviews with the inmates at the facility.

291. Following the visits to the correctional facility, the Commission concluded that the living conditions and the food and treatment of convicts meet the requirements established for the correctional system.

292. No complaints or criticism of the work of the prison administration or the living conditions were raised during interviews between members of the Commission and inmates.

293. The National Public Monitoring Commission has not received any information regarding the use of torture or discrimination against juvenile convicts or convicts who, in accordance with the law, have remained in the prison after reaching 18 years of age and are serving sentences for offences under article 328 of the Criminal Code.

294. A visit to Educational Colony No. 2 is scheduled for the first half of 2022.

295. Also in 2022, in order to exercise public control over the activities of bodies and institutions executing sentences and other measures of criminal responsibility, the Commission is scheduled to visit Educational Colony No. 4, where women convicts are held. Information on visits is made publicly available.

## AA. Replies to the issues raised in paragraphs 31 and 32 of the list of issues

296. The legal status of persons remanded in custody as a preventive measure, including the rights to food free of charge and to medical care, accommodation and health and well-being, is set out in the Detention Procedure and Conditions Act, Act No. 215-Z of 16 June 2003, the Code of Criminal Procedure and the internal regulations for places of detention (in particular, the internal regulations of temporary holding facilities of the local internal affairs agencies, which were approved by Ministry of Internal Affairs Decision No. 315 of 30 November 2016).

297. The nutritional standards are set out in Council of Ministers Decision No. 169 of 25 March 2021, which establishes the nutritional standards and standards for providing personal hygiene products to certain categories of citizens.

298. The procedure for the provision of medical assistance is regulated by the Instructions on the procedure for the provision of medical assistance to detainees, which were approved by Ministry of Health Decision No. 4 of 28 January 2004.

299. A regime has been established at places of detention to ensure respect for the rights, freedoms and lawful interests of detainees, the performance of their duties, their isolation, protection and supervision, separate accommodation in cells, the safety of detainees and staff of places of detention and other persons and the fulfilment of the tasks set out in the Code of Criminal Procedure and the Penalties Enforcement Code.

300. Persons held at places of detention file complaints through the administration of the facility, which transmits, within one day, the complaint to a body responsible for conducting criminal proceedings (Code of Criminal Procedure, art. 139 (3)).

301. Measures applied to persons held in detention are carried out based on the principles of legality, humanity, equality of all citizens before the law, respect for human dignity and compliance with the prohibition of discrimination on any grounds.

302. As established in article 7 (3) of the Penalties Enforcement Code, one of the main ways of achieving the objectives of criminal penalties is by providing convicted persons with an education. The Code contains a number of guarantees aimed at ensuring that convicts receive an education. For example:

- In accordance with article 47 (10) of the Code, the right to education of convicts serving a sentence of restriction of liberty with assignment to an open correctional institution is exercised by means of them receiving a basic education and also additional education as extramural learning.
- Article 89 allows convicts sentenced to imprisonment to receive writing materials, textbooks and study guides in parcels, packages, printed matter packages and small packets. Furthermore, printed matter packages and small packets containing textbooks and study guides are not counted in the number of items that convicts are entitled to receive (i.e., their number is not limited).
- Article 92 (2) of the Code allows convicts held in correctional colonies and settlements who receive a basic education by correspondence in Belarus to travel for examination sessions and/or to sit examinations.
- Under article 109 (1) of the Code, in correctional facilities, access is organized to general secondary and vocational education and vocational training for convicts sentenced to deprivation of liberty, and the conditions are established for the provision of specialized secondary and higher education by distance learning and for additional education. Vocational education and training are organized by the speciality (specialist areas, trades, professions) in which convicts, taking into account the qualifications awarded, will be able to work while in the correctional facility and after their release. At the same time, the above-mentioned article entrusts local executive and administrative bodies with the task of creating the necessary conditions for convicts to receive an education at correctional facilities.
- Under article 122 (8) of the Code, the right to education of convicts serving their sentences in a correctional prison settlement is exercised by means of their receiving a basic education through correspondence courses in Belarus.

## BB. Replies to the issues raised in paragraph 33 of the list of issues

303. Social services in residential homes for older persons and persons with disabilities, including psychiatric homes, are organized based on the principles of humanity and respectful treatment of citizens (Social Services Act, art. 4).

304. Compliance with this principle in the work of institutions is ensured on an ongoing basis regardless of the current epidemiological situation in the country.

305. To minimize the risk of the introduction and spread of the coronavirus disease (COVID-19) during the pandemic, the work of residential homes was organized in accordance with the recommendations on sanitary and anti-epidemic measures in the activities of social service institutions, in accordance with Ministry of Labour and Social Protection Order No. 86 of 17 August 2020.

306. Citizens living in residential homes were ensured timely provision of the necessary social services and medical care and were given the opportunity to communicate with their relatives by telephone and mobile communication and through visits at the institutions themselves.