



**Written Contribution for the 2<sup>nd</sup> cycle of the Universal Periodic Review**

**By the United Nations Country Team in the Republic of Belarus (UNCT Belarus,**

**including ILO, IOM, UNAIDS, UNDP, UNFPA, UNHCR, UNICEF, UNODC and WHO) and the UN Office of  
High Commissioner for Human Rights**

**(This report is based on the inputs provided by UN agencies working in Belarus in line with their  
respective mandates and is not a comprehensive assessment of the human rights situation in the  
country)**

## **I. Background and framework**

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

1. Belarus passed the first Universal Periodic Review (UPR) cycle in 2010. Out of 93 recommendations, Belarus accepted 69 and noted 24 recommendations.
2. In line with the recommendation 97.27, Belarus acceded to the Council of Europe (CoE) Convention for the Suppression of Trafficking in Human Beings (THB) (entered into force on 1 March 2014).
3. Belarus has achieved most of the Millennium Development Goals. The UNDP's 2014 Human Development Report put Belarus at the 53th position among 187 countries and territories – an increase from the 65<sup>th</sup> rank in 2011<sup>1</sup>. It is commendable that at the same time Belarus remained a country with a high level of income equality demonstrated by its Gini index of 0.285 in 2012<sup>2</sup>.

### **B. Institutional and human rights infrastructure and policy measures**

4. The UN Country Team (UNCT) works in Belarus at the invitation of the Government and is primarily focused on social, economic and cultural rights as per the UN Development Assistance Framework (UNDAF 2011-2015) agreed with the Government.
5. The chief interlocutor on human rights for the UN Country Team (UNCT) in Belarus has been the Ministry of Foreign Affairs (MFA). Relatedly, the UN has actively engaged with a number of ministries including Labour and Social Protection, Interior, Justice, Health, Economy, Education, Environment and Energy, a joint working group between the UNCT and the Parliament was established for the first time in 2013.
6. The UN maintains a robust partnership with registered national NGOs and community-based organisations relating to a range of human rights. That partnership is incrementally being extended to academia, media and private sector. The modality of working with multiple stakeholders, brokering relationships of trust and mutual respect is a key characteristic of the UN's work in Belarus. The prevailing NGO registration process prevents the UN from engaging unregistered NGOs in development projects, though it does not prevent the involvement of individual experts and the public.
7. The UNCT Belarus has worked closely with the Government to facilitate inclusive dialogue on the UPR recommendations in 2013-2014. This unprecedented exchange has involved more than 25 Government entities, more than 30 NGOs, numerous diplomatic missions and international organisations. Further discussion involving these stakeholders is scheduled for the end of 2014 on the Government's submission to the Human Rights Council. At the same time, the UNCT continues strongly encouraging and advocating whenever possible for an expansion of this constructive exchange to cover more issues and include more stakeholders.
8. Belarus, with the support of UN agencies and the World Bank, is currently preparing the National Sustainable Socio-Economic Development Strategy until 2030 and the five-year National Socio-Economic Programme. At the Government's request, the UN is facilitating public consultations on the draft Strategy. The UN Resident Coordinator (RC) has advocated the inclusion of the human rights agenda into these strategies.
9. The UNCT has assisted the Government in considering the establishment of an independent human rights institution conforming to the Paris Principles<sup>3</sup> in line with the recommendation 97.4. In July 2014 the MFA, the RC Office, UNDP, OHCHR and the CoE co-organised an international seminar 'National Human Rights Institutions: Establishment and Functioning'<sup>4</sup>. At the seminar, it was agreed to conduct the joint 'Systematic Research Study to Assess the Added Value of Setting Up a National Human Rights Institution in Belarus' under the auspices of the Government and supported by the UN and the CoE.

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<sup>1</sup> [http://hdr.undp.org/sites/default/files/reports/271/hdr\\_2011\\_en\\_complete.pdf](http://hdr.undp.org/sites/default/files/reports/271/hdr_2011_en_complete.pdf)

<sup>2</sup> The National Statistical Committee of the Republic of Belarus.

<sup>3</sup> General Assembly resolution 48/134 of 20 December 1993.

<sup>4</sup> <http://un.by/news/belarus/15L.html>

10. In 2012, UNICEF and the Government reached a preliminary agreement on piloting the Child's Rights Ombudsman in Minsk, as provided by the National Plan on Improvement of the Situation of Children and Protection of their Rights for 2012-2016. The final approval is under consideration.

11. The 4<sup>th</sup> National Plan of Action on Gender Equality for 2011-2015 was developed with participation of NGOs and approved by the Council of Ministers (CoM). More financial resources are needed for implementation.

12. In 2014, UNDP, UNFPA, UNICEF and WHO assisted the Ministry of Health to start developing a comprehensive programme to decrease non-communicable diseases (NCDs).

13. Amendments were introduced to the Law 'On Basic Activities Aimed at Offence Prevention' that specified prosecution and punishment for perpetrators, increased protection of victims through introduction of a protection order and facilitated multi-sectoral approaches to cases of domestic violence.

14. In 2013, changes were introduced into the Criminal Code prohibiting marital rape.

15. In 2014, the Administrative Offences Code was amended, stipulating liability for violent actions against close relatives and family members, if these actions don't constitute a crime.

16. A separate law on domestic violence is being considered for 2018.

17. The CoM adopted the State Programme on Creation of the Barrier-Free Environment for Physically Disabled Persons for 2011-2015 that stipulated the need to achieve the 70% share of barrier-free infrastructure.

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

### **A. Cooperation with the Office of the High Commissioner for Human Rights**

18. The Government has invited the UN Secretary General, the UN High Commissioner for Human Rights and several thematic special rapporteurs to visit the country. It has reiterated to the RC that these invitations remain valid.

19. As per the recommendation 97.41, the UNCT has supported the Government's engagement with civil society and private sector on the UPR recommendations.

20. Improvement of capacity of the Government to promote and protect human rights was included in UNDAF 2011-2015. The new UNDAF for 2016-2020 currently being developed includes three outcomes to promote human rights. They emphasise enhancement of partnerships between the state, the civil society and the private sector, improvement of the public administration in alignment with international principles and standards and strengthening state bodies for inclusive, responsive, and accountable governance.

21. In 2013, the UNCT and the MFA co-organised the workshop 'Preparation for the second cycle of the UPR in Belarus' with the participation of UN agencies, Ministries of Labour, Education, Health and Internal Affairs, the Parliament, the Presidential Administration, the General Prosecutor's Office and NGOs.

22. In 2014, the UNCT and the MFA co-organised a thematic consultation event in line with the UPR recommendations accepted by Belarus. The event provided an unprecedented opportunity for civil society to ask questions and make recommendations.

23. In 2014, OHCHR organised a seminar on combating incitement to hatred, xenophobia and related intolerance in the cyberspace, initiated by the MFA and supported by the UNCT, with the participation of numerous NGOs and the UN Special Rapporteur on Minority Issues.

24. The RC has encouraged the Government to consider the development of a comprehensive national human rights plan of action or a UPR implementation plan and the establishment of an inclusive advisory mechanism led by the Government and involving multiple stakeholders.

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

## A. Equality and non-discrimination

25. Belarus achieved the 28<sup>th</sup> rank among 187 countries in the Gender Inequality Index of the UNDP's Human Development Report 2014<sup>5</sup>.

26. In line with the recommendation 97.42, the share of women in the national parliament increased from 13.5% in 2000 to 29.9% in 2013. Women held 34.5% of seats in the Council of the Republic in 2013 (up from 31.7% in 2005) and 26.6% of seats in the National Assembly in 2013 (down from 29.1% in 2005). The share of women among local Councils of Deputies increased to 46.3% after the local elections in 2014.

27. However, more can be done to increase the number of women at senior levels in business, politics and public administration. Only two out of 24 Ministers of the Government are women, and there are no women among regional governors.

28. Article 262 of the Labour Code prohibits employment of women in dangerous or harmful working conditions. The decree №35 of 12 June 2014 by the Ministry of Labour and Social Protection decreased the number of professions and 'hard and dangerous' occupations prohibited for women to 74 and 46, respectively<sup>6</sup>.

29. Women have less economic opportunities and smaller earnings than men despite their higher educational level<sup>7</sup>. The average wage of women as a proportion of men's wage (=100) fell from 81% in 2000 to 74.5% in 2012<sup>8</sup>.

30. UNFPA and UNICEF support the National Statistical Committee to ensure availability of regularly updated gender-disaggregated data. Nevertheless, more data are needed to inform policy-making on gender issues, particularly in respect of gender-based discrimination at the labour market and sexual harassment in the workplace.

31. Belarus does not have an anti-discrimination law and the legal definition of discrimination encompassing both its direct and indirect manifestations. There is no established practice of hearing discrimination cases.

32. Efforts to enhance enforcement of gender-related laws and by-laws, a systematic approach to transformation of gender stereotypes, to address structural impediments to gender equality and to increase cooperation of the Government and the civil society in gender mainstreaming can be enhanced.

33. As a result of the dialogue between the Government and the civil society, the Law on Social Services was adopted by the CoM in 2012. UNDP facilitated the dialogue on including the social contracting component into the National HIV programme for 2016-2020 to allow NGOs to contribute to HIV prevention.

34. Belarus has HIV-related entry, stay and residence restrictions. Foreign citizens applying to study in Belarusian higher educational institutions are required a medical certificate attesting their HIV negative status. All foreigners, except diplomatic corps, applying for residence permit are required to present a certificate indicating their HIV status.

35. The detection and treatment of HIV is complicated by discrimination and negative social stereotypes towards HIV positive people and people who inject drugs (PWID). National Laws 'About Healthcare' and 'On Prevention of Diseases Having Threat for the Health of Population, HIV' (adopted in 2012) endorse the compulsory HIV testing for some professional categories and restrictions on the employment of those found HIV positive. It stipulates the compulsory medical check-up for socially dangerous diseases (HIV is included) and the compulsory isolation of tuberculosis (TB) patients (if they are not fully compliant to anti-TB treatment).

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<sup>5</sup> <http://hdr.undp.org/sites/default/files/hdr14-report-en-1.pdf>

<sup>6</sup> <http://pravo.by/main.aspx?guid=12551&p0=W21428913&p1=1&p5=0>

<sup>7</sup> World Bank (2014). 'Belarus: Country Gender Profile', Poverty Reduction and Economic Management Unit Europe and Central Asia Region, Report No. 76325-BY, March 3, 2014.

<sup>8</sup> [http://belstat.gov.by/bgd/public\\_compilation/index\\_113/](http://belstat.gov.by/bgd/public_compilation/index_113/)

36. UNDP and UNAIDS have supported development of the Information Strategy on HIV that was explicitly designed to change discriminatory attitudes associated with HIV. Adoption of the Information Strategy led to 100% of informational products developed with participation of the Ministry of Health to be stigma-free.

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

37. The use of death penalty was greatly reduced from 47 death sentences in 1998 to no death sentences in 2012 and 4 death sentences in 2013.

38. A parliamentary working group has been created in 2010 to consider the death penalty issue. The group has not yet announced any decisive conclusions. The UN has agreed with the Government to engage into an open, inclusive and constructive discussion on the use of the death penalty around the world at the beginning of 2015.

39. In line with the recommendations 97.20 and 97.24, UNFPA, UNICEF, IOM provided assistance to the Ministry of Internal Affairs (MIA) and the Ministry of Labour and Social Protection to improve capacity in preventing and counteracting domestic violence. A national hotline for victims of domestic violence was established.

40. A new inter-sectoral collaboration model on domestic violence prevention involving state and non-governmental service providers has been piloted in one region. It is recommended to establish such inter-sectoral cooperation in all regions to ensure timeliness, consistency and holistic approach to all actions aiming to prevent and counteract domestic violence.

41. In 2013, the MIA registered 2008 crimes in the sphere of family and domestic relations (up by 10.86% from 1790 crimes in 2012). The Government and the UNCT increased their joint efforts to tackle the problem of domestic and sexual violence, in particular through awareness-raising campaigns. According to the national survey conducted by the Centre of Sociological and Political Research of the Belarusian State University in 2008, four out of five women experienced psychological violence in their families. Each fourth woman suffers from physical violence, 22.4% of women respondents experience economic and 13% experience sexual violence at home.

42. According to the data of the MIA, 6,485 minors were victims of crime in 2012; 4,756 children suffered as their parents avoided paying maintenance for their children (73.3%).

43. According to the UNICEF-supported Multiple Indicators Cluster Survey (MICS4), 2/3 of children aged 2-14 were subjected to at least one form of punishment by their parents. Parents are often not aware of the harmful impact of corporal punishment on children's health and their relationships with them. Such type of punishment is not explicitly forbidden at home, the penal system and alternative care settings.

44. UNICEF supported the improvement of the system of social and legal assistance for families. Efforts at the local level resulted in the approval of Special Regulations on inter-sectoral data collection on children in 'social danger' suffering from abuse and neglect in the family in selected districts.

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

45. As per the recommendation 98.8, UNDP, UNICEF, and UNHCR supported the project 'Facilitating the Improvement of the Court System in Belarus through the Development of the Specialisation of Courts' in 2012-2014. The project resulted in increased capacities for judges to consider cases related to juveniles, appeal procedures and better consideration of court cases involving refugees. Workshops for more 500 judges and legal professionals from different regions on juvenile justice and family courts; refugee law; appeal procedures; administrative justice; specialisation in economic courts and alternative dispute resolution were held in 2012-2013.

46. The rate of imprisonment of people who inject drugs (PWID) remains high, which hampers their access to key components of HIV prevention services. There is limited access to medical care in prisons, including an impossibility to initiate treatment of drug use or be enrolled in opioid substitution therapy (OST). Greater access

to the prisons by the Ministry of Health, the UN and its partners could help ensure better medical care for inmates.

47. In 2012, 3,220 crimes committed by adolescents were registered as compared to about 10,000 at the beginning of 2000s. The number of juvenile offenders decreased from 5,664 persons in 2007 to 2,610 persons (9.1% females and 90.9% males) in 2012. However, there are still many minors on file with law enforcement agencies (14,147 people in 2012)<sup>9</sup> for committing offences and crimes<sup>10</sup>.

48. In 2012, amendments to the Law 'On the Basics of the Child Neglect and Juvenile Delinquency Prevention System' restricted the time a minor can be outside without parents or guardians at night time, as well as enlarged the grounds for placing children with delinquent behaviour into closed educational institutions rather than juvenile correctional facilities.

49. The concept of juvenile justice is under consideration by the Government since 2011. In 2012, UNICEF conducted the national study on preventive work with children in conflict with the law and found that the juvenile justice system puts considerable emphasis on punitive measures. The Government and UNICEF plans to hold a Regional Conference on the Protection of Children in November 2014.

50. More efforts are needed to provide attention and rehabilitative assistance to juveniles who committed minor offences to prevent reoffending, apply restorative mechanisms and out-of court dispute settlement models, develop the probation service and juvenile specialisation in the judiciary and expand the use of mediation.

#### **D. Right to privacy, marriage and family life**

51. Over 22 per cent of children live in single-parent families because of family breakdown, death of one of the parents or external labour migration. In 2012, 20,967 children were recognised as being at social risk due to their families' disfunctionality which generally happens due to alcohol and substance abuse. Children may become social orphans<sup>11</sup> in case their parents are deprived of parental rights.

52. Strong Government's commitment to de-institutionalisation resulted in reducing the number of orphans and children deprived of parental care raised in residential care institutions by 54% from 2005 to 2012 in line with the recommendation 97.35. By the end of 2012, 18,602 (77.7%) of children at risk were brought up in family environment. The state institutionalised diverse family-type arrangements, developed childcare standards (not formalised yet) and widened the scope of family-centred services, including respite and palliative care.

53. Development of inter-sectoral mechanisms of early identification of families at risk of child abuse and neglect, better information sharing and interaction between agencies of different departmental affiliation, higher professional capacity and better motivation of child care specialists would help protect child's rights and the best interest of children should always be the primary consideration.

#### **E. Freedom of association**

54. In 2014, the ILO's direct contacts mission visited Belarus to obtain a full picture of the trade union rights situation.

55. In the Report for the 103<sup>rd</sup> Session of the International Labour Conference in 2014, the Committee on the Applications of Standards noted that the Government has accepted ILO technical assistance to conduct a series of activities aimed at improving social dialogue at all levels and enhancing knowledge and awareness of freedom of association rights. These include a seminar for the Tripartite Council for the Improvement of Legislation in the

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<sup>9</sup> Virtually one third of them are children from single-parent families.

<sup>10</sup> Mid-Term Review of the Government of Belarus – UNICEF Programme of Cooperation 2011-2015 based on Offences in the Republic of Belarus. Statistical Book, Minsk.

<sup>11</sup> Social Orphanhood in numbers (1993-2012). Edition #15. Minsk, 2013, p.36

Social and Labour Sphere, a training for judges, prosecutors and lawyers and elaboration of a set of guidelines on collective bargaining to ensure that trade union pluralism is respected in practice.

56. The Committee expected that amendments would be made to Presidential Decree No. 2 dealing with trade union registration, Decree No. 24 concerning the use of foreign gratuitous aid, the Law on Mass Activities and the Labour Code, in line with the provisions of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)<sup>12</sup>.

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

57. In line with the recommendation 97.44, UNDP cooperated with the Ministry of Labour and Social Protection in 2012-2013 to decrease the vulnerability of individuals and households to unemployment and poverty.

58. The share of population living below the national poverty line fell from 41.9% (2000) to 4.0% (2013) in line with the recommendation 97.48.

59. Further improvements can be achieved through poverty alleviation and economic development programmes aimed at advancement of living standards of the groups most vulnerable to poverty. These are children of the age 0-17, people living in rural areas and regions where the risk of absolute poverty is 3-4 times (5.8-8.5% in 2012) higher than in Minsk (1.8% in 2012)<sup>13</sup>. Besides, these groups include single parents with one or more children, households with children younger than 18 years old, especially those with two children<sup>14</sup>.

60. In terms of age groups, children below 18 are most affected by absolute poverty and are significantly more affected by relative poverty<sup>15</sup>. While one-person households are relatively slightly affected by absolute poverty, they are much more affected by relative poverty, especially those older than 65 years. Single parents with one or more children are likely to be almost three times more affected by relative poverty<sup>16</sup> than absolute poverty.

61. Unemployment increases the likelihood of both absolute and relative poverty by about four times. In 2011, the proportion of people living in absolute poverty was 5.4% among the employed and 18.6% among the unemployed<sup>17</sup>, and living in relative poverty was 6.9% among the employed and 24.2% among the unemployed<sup>18</sup>.

62. The official statistics consider as the unemployed only those who had officially registered at the employment service. However, the low unemployment benefit value and the obligation to participate in paid public works do not encourage many people to register. That means they are often excluded from the official statistics, and the real unemployment rate may be as high as 5.1%<sup>19</sup>, as evidenced by the Labour Force Survey conducted in line with the ILO methodology in May 2012<sup>20</sup>, as compared to the official level of 0.5% in 2013.

63. While the extensive social protection system generally provides affordable assistance to vulnerable groups, the state unemployment benefit varies between one and two base values (150,000 Belarusian roubles as of 1 April 2014<sup>21</sup>). It is less by about 5-6 times than the minimum subsistence budget (about USD130) as of August 2014. Unemployed single-person households are very likely to experience severe financial difficulties.

64. The planned structural reforms in line with the Joint Actions Plan of the National Bank and the Government on increasing competitiveness of the economy (2013) accentuate the need to reform the social protection system to provide a social safety net for the most disadvantaged individuals in line with the recommendation 97.49.

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<sup>12</sup> [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_246781.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_246781.pdf)

<sup>13</sup> <http://www.belstat.gov.by/>

<sup>14</sup> <http://www.belstat.gov.by/>

<sup>15</sup> <http://www.research.by/webroot/delivery/files/poverty2013r.pdf>

<sup>16</sup> <http://www.research.by/webroot/delivery/files/poverty2013r.pdf>

<sup>17</sup> <http://www.belstat.gov.by/>

<sup>18</sup> <http://www.research.by/webroot/delivery/files/poverty2013r.pdf>

<sup>19</sup> As compared to 5.1% in Moldova, 5.5% in Russia, 7.7% in Ukraine, 8.6% in Estonia, 11.9% in Latvia, 11.8% in Lithuania, 10.3% in Poland (2013).

<sup>20</sup> The National Bank of the Republic of Belarus. URL: [http://www.nbrb.by/publications/EcTendencies/rep\\_2012\\_06\\_ot.pdf](http://www.nbrb.by/publications/EcTendencies/rep_2012_06_ot.pdf)

<sup>21</sup> [http://belarusbank.by/ru/press/spravochno/bazovaya\\_velichina](http://belarusbank.by/ru/press/spravochno/bazovaya_velichina)

## G. Right to health

65. Life expectancy at birth amounts only to 69.9 years in Belarus, which is lower than the average in Central and East Europe countries, with a gap of 11.6 years between men (64.2) and women (75.8) in 2013. In some rural areas male life expectancy is as low as 61.3 years.

66. There is almost a threefold disparity between men (307) and women (103) in terms of the mortality rate per 1,000 people. Unhealthy, addictive and risky men's behavior leads to much higher mortality rates from cardiovascular diseases, injuries, suicides, drugs overdose and intentional self-harm. Besides, there is a high rate of premature mortality from external causes among children (6.5% - for infants and 30.5% - for children aged 0-17).

67. The Government expressed its commitment to improve the situation with NCDs that cause 85.1% of all deaths (including 63% by cardiovascular diseases), to reduce a high level of alcohol consumption (17.5 litres per capita according to the WHO<sup>22</sup>) and to strengthen efforts to combat suicides (8.8 of suicides by women and 48.7 suicides by men per 100,000 people in 2003-2009<sup>23</sup>) through the complex plan on suicide prevention under implementation of the Ministry of Health.

68. Belarus achieved a significant progress in reducing maternal and infant mortality in line with the recommendations 97.45 and 97.46. The under-five mortality rate fell from 15.2 per 1,000 live births in 1990 to 4.6 in 2013. Besides, Belarus reduced the infant mortality rate per 1,000 live births from 11.9 in 1990 to 3.4 in 2013<sup>24</sup>. The maternal mortality ratio decreased from 21 per 100,000 live births in 2000 to 1 in 2013<sup>25</sup>.

69. Belarus reduced the TB incidence rate from 61.6 in 1990 to 38.3 in 2013 and the prevalence of active forms of TB per 100,000 people from 235.6 in 1990 to 95.2 in 2013. However, 1/3 of newly-diagnosed and 2/3 of TB patients returning for treatment have multidrug resistant tuberculosis (MDR-TB)<sup>26</sup>.

70. HIV epidemic in Belarus is characterised as concentrated with low prevalence among general population (0.4%, 2013) and higher rates among the key affected populations (KAPs), particularly among PWID (14.2%, 2013). HIV incidence increased from 10.2 per 100,000 population in 2007 to 16.2 per 100,000 population in 2013. As of 1 September 2014, there were 16,859 cases of HIV infection registered in Belarus (137.8 cases per 100,000 people). The most vulnerable groups to HIV/AIDS are sex workers, PWID and men having sex with men. While injecting drug use has been responsible for a significant part of HIV cases in 1987-2014 (40%), the current main route of transmission is sexual contacts (81.7%).

71. The number of AIDS cases decreased from 614 in 2010 to 547 in 2013 as a result of the antiretroviral therapy (ART) coverage expansion supported by the Global Fund to Fight AIDS, TB and Malaria (GFATM) and the Government. Starting from 2013, the Government has started procurement of ARV drugs from the state budget, with the commitment to gradual and constant increase of ARV procurement from the national funds.

72. In 2014, as a result of the dialogue supported by UNAIDS and UNDP, the Ministry of Health has taken the decision to gradual transfer to initiation of ARV treatment of people living with HIV (PLHIV) at CD4 $\geq$ 500, starting from 2016, instead of current CD4 $\geq$ 350. Full transfer is planned to be finalised by the end of 2018. Therefore, more funding and efforts are needed to increase the ART coverage of those in need from 44.7% (2012) and access of the population to harm reduction services.

73. UNDP in collaboration with the Ministry of Health and the GFATM supported the national analysis and expansion of the OST programme. Consequently, most of national partners expressed their commitment to further development of OST. However, the OST programme will need to be expanded by six times to have a health impact.

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<sup>22</sup> [http://www.who.int/substance\\_abuse/publications/global\\_alcohol\\_report/en/](http://www.who.int/substance_abuse/publications/global_alcohol_report/en/)

<sup>23</sup> <http://hdr.undp.org/sites/default/files/hdr14-report-en-1.pdf>

<sup>24</sup> <http://news.tut.by/society/400966.html>

<sup>25</sup> [http://www.who.int/gho/maternal\\_health/countries/blr.pdf](http://www.who.int/gho/maternal_health/countries/blr.pdf)

<sup>26</sup> [http://www.who.int/countryfocus/cooperation\\_strategy/ccsbrief\\_blr\\_en.pdf](http://www.who.int/countryfocus/cooperation_strategy/ccsbrief_blr_en.pdf)

74. National legislation limits the employment options for registered drug users. Such barriers negatively affect the enrollment of PWID in OST programmes, their right to the highest attainable standard of health and the process of re-socialisation of PWID on OST and in remission.

#### **H. Persons with disabilities (PWD)**

75. There were 531,338 registered PWD in May 2014<sup>27</sup> (an increase from 506.7 thousand in 2010).

76. A 2012 UNICEF study confirmed the existence of stigma towards PWD in the society. 68.6% of parents of pre-schoolers said would be against their children attending the same group at the kindergarten with children who have special needs<sup>28</sup>.

77. The level of employment among PWD remains low, at 17.2% in 2008<sup>29</sup>. The UNCT Belarus and the Government are undertaking measures to encourage and protect the employment of PWD, but more efforts are needed to combat the existing social stereotypes and provide further legislative guarantees for employment of PWD.

78. In line with the recommendations 97.2 and 98.2, the Government has indicated Belarus will soon join the Convention on the Rights of Persons with Disabilities. The UNDP Administrator and the RC have raised the matter at the highest levels of Government.

79. UNDP-funded assessment of disability-related legislation has found that it largely complies with the formal requirements of the Convention. The Government has formally requested the UNCT to support the process of accession and implementation of the Convention. A project proposal involving eight UN agencies was submitted for funding but did not receive the assistance requested.

#### **I. Migrants, refugees and asylum-seekers**

80. Belarus has adopted the Law on Granting Refugee Status, Complementary and Temporary Protection to Foreign Citizens and Stateless Persons (came into force in 2009), the Law on the Legal Status of Foreign Nationals and Stateless Persons (2010) and the Law on External Labour Migration (2010).

81. As of July 2014, 628 refugees and 208 asylum seekers were residing in Belarus. During 1997 – 31 August 2014 refugee status was granted to 899 persons and complementary protection to 60 individuals. During the period of 2011 – August 2014, the number of submitted asylum applications has increased, mostly due to unrest in Syria and Ukraine<sup>30</sup>. As of 1 July 2014, the authorities issued residence to approximately 26,000 Ukrainians. The Decree of the President No. 420 (30 August 2014) was adopted to facilitate receipt and adaptation of Ukrainian nationals arriving in Belarus. There were no reported instances of refoulement since 2007.

82. Since 2001, there has been a steady decrease in the number of stateless persons residing in Belarus, down to 6,606 in July 2014 from 7,818 at the end of 2008. The Law on Citizenship of the Republic of Belarus No. 129-3 contains a requirement for mandatory renunciation of former citizenship by application for the Belarusian citizenship that can lead to statelessness if a person renounces previous citizenship, but does not acquire a new one<sup>31</sup>.

83. In terms of legislation, UNHCR recommends:

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<sup>27</sup> The Ministry of Labour and Social Protection.

<sup>28</sup> Mid-Term Review of the Government of Belarus – UNICEF Programme of Cooperation 2011-2015

<sup>29</sup> The National Report on the Situation of People with Disabilities.

<sup>30</sup> 538 persons applied to asylum in Belarus during the period of January – August 2014 inclusive (top-3 countries: Ukraine (410), Syria (44), Afghanistan (28)). For comparison: 208 asylum applications were submitted in 2013, 106 in 2012 and 85 in 2011. *Comment of UNHCR Representation in Belarus based on official statistics of the Department of Citizenship and Migration of the MIA of Belarus.*

<sup>31</sup> In fact, according to the Law on Refugees, a person who is not able to terminate his/her former nationality before application for the Belarusian citizenship is able to provide justification for non-ability of doing so. The problem is that the state authority which receives an application for naturalisation decides on case-by-case basis whether such explanation/justification is appropriate and can be accepted. *Comment by UNHCR Representation in Belarus.*

- Enable the State Border Committee (SBC) to receive/record asylum applications from foreigners situated in the transit zone (including airports);<sup>32</sup>
- Enable assessment of manifestly well-founded asylum application within the framework of State RSD procedure;
- Review the definition of complementary protection in order to enable coverage of wider groups of persons in need of protection and amend the Law on Refugees in a way it contains only rejections clauses which are in line with the provisions of the 1951 Convention;
- Provision of Convention Travel Document (CTD) for recognised refugees compliant with the 1951 Convention Relating to the Status of Refugees and ICAO requirements, possible introduction of separate travel document to beneficiaries of complementary protection, and reflection of these proposals in an amended version of national asylum legislation;
- Facilitate access of asylum-seekers, beneficiaries of non-refoulement protection and UNHCR Mandate refugees with temporary residence permit to medical treatment on a par with nationals of Belarus.

84. More training and awareness raising among police officers, border officials, judges and employees of the SBC and the MIA about the international and regional standards in the sphere of refugees' protection should be executed; these officials should also receive more language training. Quality of available information materials for migrants as well as the number of languages in which this information is available should be increased.

85. There are no specialised centres for detained migrants in Belarus. Detention and removal provisions should be aligned with the international standards.

86. More support should be provided to returnees with health problems. Instruments to provide effective post-arrival monitoring should be introduced to assess the feasibility of the return and reintegration scheme.

87. In line with the recommendation 97.25, UNDP, OHCHR and UNODC<sup>33</sup> together with the International Training Centre on Migration and Combating THB under the MIA Academy organised training courses for 125 law enforcement professionals within the project 'Combating THB: New Challenges and Threats' in 2013.

88. In 2012, Belarus adopted the law №350-3 'On Counteraction to Human Trafficking'. The number of human trafficking victims in Belarus has reduced 7.5 times over eight years: from 1,107 in 2006 to 149 in 2013<sup>34</sup>. Despite that, Belarus remains a country of transit and origin for victims of trafficking.

89. In 2013, UNDP renewed its partnership with the SBC to support its capacity to address the issue of irregular migration flows and promote the rights of vulnerable migrants. In particular, UNDP together with IOM, UNHCR and the International Centre for Migration Policy Development has worked to improve training standards of Belarusian border guards and create mechanisms for providing support to vulnerable migrants through a network of NGOs.

90. Additional measures are needed to build upon the significant achievements achieved by the country and supported by IOM since 2002 in such spheres as:

- Prevention of labour and sexual exploitation;
- Prevention of child pornography and sexual abuse (including minors);
- Support of information campaigns/hotline on safe travel and employment abroad;
- Comprehensive research in the field of migration and combating ;
- Provision of reintegration assistance to victims of trafficking (VoT);

<sup>32</sup> The SBC can receive asylum applications only from persons who are detained for illegal crossing of the State Border or illegal stay in Belarus. In cases when a foreign citizen or stateless person does not violate anything, the SBC is not formally obliged to take his/her application for asylum (for example, application for asylum submitted in the transit zone of international airport upon arrival in Belarus). Currently such cases are settled on case-by-case basis and after UNHCR liaison with the SBC. *Comment by UNHCR Representation in Belarus.*

<sup>33</sup> As a follow-up to the high-level mission, UNODC delivered a training workshop in Belarus at the ITC on the investigation and prosecution of human trafficking cases with the objective of strengthening criminal justice capacity in August 2013

<sup>34</sup> [http://eng.belta.by/all\\_news/society/Number-of-trafficking-victims-in-Belarus-down-75-times-over-8-years\\_i\\_74726.html](http://eng.belta.by/all_news/society/Number-of-trafficking-victims-in-Belarus-down-75-times-over-8-years_i_74726.html)

- Support to IOM-based Rehabilitation Center for VoTs;
- Further capacity building of the International Training Center on Migration and Counter-Trafficking (CT);
- CT government stakeholders' and NGOs' capacity building;
- Improvement of coordination mechanism in the field of CT;
- Strengthening of the National Referral Mechanism (NRM) and support with introduction of the social sub-contracting system for NGOs;
- Harmonisation of the CT Legislation in accordance with the international instruments and the Council of Europe Convention in the field of combating THB.

#### **J. Right to development, and environmental issues**

91. UNDP worked closely with the Ministry of Natural Resources and Environmental Protection to assist the country in meeting its international obligations within the Aarhus Convention by supporting creation of the first regional Aarhus Centre in Hrodna in 2012. Since that time, the Hrodna Centre processed more than 250 requests for information coming from individuals and civil society organisations. On the top of that, the Centre has conducted an intensive informational campaign promoting citizens' rights to obtain environmental information, meaningful participation in decision-making and access to justice in environmental matters.

92. In 2013, 14.5% of the Belarusian territory (30 thousand km<sup>2</sup>) remained contaminated due to the 1986 Chernobyl nuclear plant disaster. The population living in the Chernobyl-affected areas generally has lower opportunities and is more exposed to the risk of unemployment and poverty than the rest. More efforts are needed to improve opportunities for income generation. UNDP has provided assistance to around 8,000 households in the three affected districts through loans, provision of agricultural materials and equipment in 2012-2014.

93. The UN Inter-Agency Task Force on Chernobyl, held in Minsk on 30 May 2014 and chaired by Helen Clark, UNDP Administrator, marked the beginning of a substantive dialogue on the future conceptual framework of long-term international cooperation on Chernobyl.

94. UNDP, with the Government and civil society, has advocated 'green economy' and sustainable development focusing on the most vulnerable groups. To facilitate the fundamental right on safe and healthy environment, small grants were allocated to over 100 civil society groups via the UNDP-administered programmes.

95. To facilitate participatory development at the local level, UNDP has implemented projects to support multi-sector partnerships involving civil society, local authorities and the private sector which can address local development challenges and create conditions for sustainable livelihoods, in particular, through the development of rural and eco-tourism.

#### **IV. Capacity building and technical assistance**

96. The Constitutional Court, the Supreme Court and the Prosecutor-General have invited the UN to assist in upgrading the capacities of judges and helping apply international best practice and norms to promote the rule of law and due process. OHCHR and UNDP are ready to provide necessary support. The UNCT is also positioned to work with the Parliament to improve public engagement in the legislative process.

97. However, the RC regrets the lack of financial resources available to UN agencies to support these initiatives and expand the assistance in other areas to promote and protect human rights and help the country to meet its international obligations. Difficulties prevail in mobilising resources due to the status of Belarus as an upper middle income country.

98. It should also be noted that a number of donors, among them the EU, Russia and the US have generously funded UN agencies' work in Belarus that have helped victims of human trafficking, PLHIV and TB, victims of domestic violence, refugees, migrants and youth at risk.