

Universal Periodic Review (36th session, April – May 2020)
Contribution of UNESCO

Belarus

I. Background and framework

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

II. Promotion and protection of human rights on the ground

A. Education

1. The Constitution of Belarus of 1944¹ enshrines the right to education for all within its territory in article 49: “Everyone shall have the right to education ...”. Article 22 adds: “All shall be equal before the law and entitled without discrimination to equal protection of their rights and legitimate interests“. As a provision ensuring gender equality, article 32 states that “... Women shall be guaranteed equal rights with men in their opportunities to receive education and vocational training ...”
2. According to the 1993 Law on Children’s Rights², “Every child has the right to education” (article 23). The 1991 Law on Education provides that “The Republic of Belarus guarantees the development of education on a priority basis, the appropriate social and economic conditions for the functioning of the education system, the rights of citizens to receive general and vocational schooling ...”. In 2011, the Code of the Republic of Belarus on Education was adopted. It became the most important piece of the Belarusian legislative framework related to education. UNESCO was unable to access this document.

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

3. Freedoms of thought and free expression are guaranteed under Section II Article 33 of the Belarus Constitution (2004).
4. The law “On the mass media” of 2008 ensures a high degree of state control over print and broadcast media. Amendments made to the law “On the mass media” in 2015 allow the Government to treat online media, includes websites and blogs, as traditional media and permit the Ministry of Information to issue warnings, suspend, and file closure suits against online outlets.

¹<http://www.unesco.org/education/edurights/media/docs/713362e76844c8d889db9899d0764263bd020af9.pdf>

²<http://www.unesco.org/education/edurights/media/docs/0ca6b191646fd53147def42e2ed60fb92882acc1.pdf>

5. Amendments to the law adopted in 2018 includes a general ban on establishing media outlets in the country by foreigners, foreign legal entities, Belarusian entities with at least 20 percent stock belonging to foreign or international entities, and stateless persons (para 3 of Article 3).
6. Additionally, the 2018 amendments to the law provide the Ministry of Information with strict control over all online resources (Art. 51-1). The owners of online resources are responsible for preventing dissemination of what is deemed to be untruthful information that may harm State or public interest, or defame individuals or legal entities.
7. They are also liable if their resources are used to disseminate information by internet users who have not gone through prior identification, as defined by the State (Art. 30-1).
8. Defamation is considered as a criminal offence under the Belarusian Criminal Code's Article 188, Article 189, Article 367, Article 368 and Article 369. It is punishable by up to five years of imprisonment.
9. There is no freedom of information law in the country.

Implementation of legislation:

10. Broadcast frequencies are allocated by the State Radio Frequency Commission under the Security Council of the Republic of Belarus. Broadcast licenses are issued by the Ministry of Information.

Safety of Journalists:

11. UNESCO has recorded no killing of journalists in Belarus since systematic reporting began in 2008. Human rights organizations reported many cases of journalist arrests, intimidations and attacks in Belarus in the past years. Denial of accreditation to reporters who work with outlets that are based abroad resulted in nearly 50 journalists penalized for an unauthorized cooperation with foreign media in 2018.

III. Review and specific recommendations

A. Education

12. During the last UPR cycle, Belarus was recommended to continue its efforts in ensuring gender equality and abolishing discriminatory practices against women in education; to continue its initiatives in ensuring the provision of quality education; to continue its efforts in expanding educational facilities to rural areas; to ensure that the members of the Roma community are not discriminated against and they have equal access to quality education.

Enrollment

- At pre-school level, Belarus “boasts a good system of pre-school facilities. Although attending this type of facilities is not mandatory, many Belarusian children attend nurseries or kindergartens before they start school. Pre-school facilities admit children in the age between 2 months and 6 years old.”³
- The Global Education Monitoring Report revealed that with regard to “the number of students enrolled in the first year of tertiary education expressed as a percentage of the population of that age group”, that the intake was 90% in Belarus.⁴

Gender equality

- Belarus has reported to have extended its National Action Plan to Ensure Gender Equality 2011-2015 from 2017 to 2020.⁵
- However, in its latest Concluding observations, the Committee on the Elimination of Discrimination against Women (CEDAW) expressed its concern that teachers, school

³ President of the Republic of Belarus website, http://president.gov.by/en/school_en/

⁴ UNESCO Global Education Monitoring Report, Education for people and planet, 2016, p. 228, <https://unesdoc.unesco.org/ark:/48223/pf0000245752/PDF/245752eng.pdf.multi>

⁵ National Statistical Committee of the Republic of Belarus, Cooperation between Government Authorities and Agencies to Achieve the Sustainable Development Goals by the Republic of Belarus, 2017, p. 4, https://www.unece.org/fileadmin/DAM/stats/documents/ece/ces/ge.32/2017/mtg1/PDF/EN_EM_2D1-Belarus-Communication.pdf.

textbooks and teacher training materials, as well as the “life skills lessons” convey discriminatory stereotypes regarding traditional gender roles in society.⁶

- Belarus has achieved a high enrolment rate of girls and women in secondary and tertiary education.⁷ However, the CEDAW was concerned that at the “vocational and university levels, women are frequently enrolled in traditionally female-dominated fields of study”⁸
- Concerning women living in rural areas, the Committee noted that access for their children to preschool education was very limited, and an increase in the number of childcare facilities in rural areas would facilitate the reconciliation of job and family duties.⁹

Minorities

- In 2018, civil society organizations reported alarming facts to the Committee on Economic, Social and Cultural Rights (CESCR). *Equal rights trust* organization highlighted evidence of discrimination related to access to education against various groups, including Roma and linguistic minorities.¹⁰ Moreover, despite the fact that legal provisions provide for linguistic minorities to access education in their native language, the availability of instruction in a minority language was reported to be left to the discretion of officials.¹¹

Disabilities

⁶ Concluding observations on the eighth periodic report of Belarus of the CEDAW, 25 November 2016, Doc. CEDAW/C/BLR/CO/8, para. 30(a) and 30(b).

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fBLR%2fCO%2f8&Lang=en

⁷ UNESCO Global Education Monitoring Report 2019, Building bridges, not walls; p.322

⁸ Concluding observations on the eighth periodic report of Belarus of the CEDAW, op. cit, para. 30(c).

⁹ Ibid.

¹⁰ Equal Rights Trust, Suggestions for the List of Issues Prior to Reporting to be adopted by the Committee on Economic, Social and Cultural Rights at its 63rd session (PSWG) in relation to: Belarus, 17 September 2018,

https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/BLR/INT_CESCR_ICS_BLR_32468_E.pdf

¹¹ Ibid. para. 17.

- The *Belarusian Helsinki Committee* reported in 2018 to the Committee on economic, social and cultural rights that the process of State examination for admission to higher education institutions is not adapted to people with disabilities¹².
- In 2016, Belarus ratified the Convention on the Rights of People with Disabilities. Consequently, in 2017, Belarus implemented a National Plan for the Protection of People with Disabilities.¹³

Sexual health and education

- Concerned with the health status of women, the CEDAW called upon Belarus “to provide education and awareness-raising programmes regarding the importance of the use of contraceptives”.¹⁴

Specific recommendations:

13. Belarus should be encouraged to:

- Guarantee at least one year of free and compulsory pre-primary education and ensure that children in rural areas have access to early childhood care and education.
- Review school textbooks, curricula and teacher training materials in order to eliminate all discriminatory gender stereotypes.
- Intensify its efforts aimed at diversifying academic and vocational choices for women and men, girls and boys and take further measures to encourage women and men to choose non-traditional fields of education and career paths.
- Intensify efforts towards providing all children with equal access to education, including the Roma children.
- Continue its efforts to strengthen the right of people with disabilities to education, particularly by adapting the admission process to higher education.

¹² Belarusian Helsinki Committee, Suggested issues and questions for the List of Issues Prior to Reporting: Belarus, 27 September 2018, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fICS%2fBLR%2f32545&Lang=en

¹³ UNESCO was unable to access this document

¹⁴ Concluding observations on the eighth periodic report of Belarus of the CEDAW, op. cit, para. 37.

- Submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Convention against Discrimination in Education.
- Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education.¹⁵

B. Freedom of opinion and expression

14. The Government is encouraged to enforce the constitutional principles of freedom of expression.
15. The Government is encouraged to review media legislation including the law "On the mass media" to ensure that it is in line with the provisions of necessity and proportionality under the International Covenant on Civil and Political Rights.
16. The Government is encouraged to assess if laws regulating internet are in line with the provisions of necessity and proportionality under the International Covenant on Civil and Political Rights.
17. The Government is recommended to decriminalize defamation and insult, and place defamation within the civil code in accordance with international standards.
18. The Government is encouraged to introduce freedom of information legislation.
19. The Government is encouraged to bring the rules regulating accreditation of journalists in line with international standards.
20. The Government is encouraged to assess the system of licensing of broadcasting sector in order to ensure that this process is transparent and independent.

¹⁵ <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

C. Cultural rights

21. As a State Party to the Convention the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)¹⁶, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)¹⁷ and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)¹⁸, Belarus is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Belarus is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

D. Freedom of scientific research and the right to benefit from scientific progress and its applications

22. Belarus did not submit its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Therefore, Belarus is encouraged to report to UNESCO in future on the implementation of the newly adopted Recommendation on Science and Scientific Researchers (2017), which supersedes the 1974 Recommendation, on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument paying particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights

¹⁶ Periodic Report available at: <http://whc.unesco.org/archive/2015/whc15-39COM-10A-en.pdf>

¹⁷ Periodic Report available at: <https://ich.unesco.org/en/state/belarus-BY?info=periodic-reporting>

¹⁸ Periodic Report available at: <https://en.unesco.org/creativity/governance/periodic-reports/2016/belarus>

obligations related to science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as the scientists' rights of autonomy, freedom of research, expression and publication.