

COMPILATION ON BELARUS¹

Report of the United Nations Country Team in Belarus

I. Background

1. This report is prepared to support the joint contribution of the United Nations in Belarus² in the framework of the third cycle of Universal Periodic Review in UNHRC in May 2020.

II. Scope of international obligation and cooperation with human rights mechanisms and bodies

2. In the last few years, the Ministry of Foreign Affairs has made significant efforts to engage more with the UN system on human rights. Belarus is now up-to-date on its reporting obligations under the UN human rights treaties. In October 2018, the Committee on Human Rights reviewed Belarus under the International Covenant on Civil and Political Rights (Covenant) for the first time in 21 years, following Belarus' delay in submitting its State Report.
3. However, the Government continues to refuse to cooperate with the UN Special Rapporteur on the human rights situation in Belarus and consistently is passive towards implementation of the views (decisions) of the Human Rights Committee on individual cases submitted under the First Optional Protocol to the Covenant. Most cases relate to the imposition of the death penalty, freedom of assembly, association and expression, arbitrary detention and torture and ill-treatment in custody.
4. The current and previous Special Rapporteur have found that although there have been some limited improvements- for example, more use of fines and administrative sanctions, rather than long terms in prison, for persons trying to enjoy their freedom of expression, assembly and association- these do not show systemic changes and repressive laws and practices remain in place.
5. The Human Rights Committee made three priority recommendations to Belarus, following its October 2018 review, on cooperation with the Committee in relation to its views and interim measures on individual complaints, on the death penalty and reviewing its laws and practice on freedom of assembly.

III. National human rights framework

¹ This is contribution of country context which will be incorporated in the overall UN report prepared by OHCHR

² See the full list of the agencies provided their contributions in the Annex 1

6. National human rights framework is based on the Interagency National Human Rights Action Plan (NHRAP) which the government of Belarus adopted on implementing the recommendations of the UNHRC Universal Periodic Review accepted by Belarus, as well as recommendations received from the Human Rights Treaty Bodies for the period of 2016-2019.
7. NHRAP envisages the need to explore the expediency of establishing national human rights institution. To this end, certain steps were taken by the state to get acquainted with the advantages of such an institution and its place within the legal system, however no significant shifts were not demonstrated. In the light of previous recommendations, it is recommended to consider national human rights institution as an effective tool to strengthen the system for ensuring and protecting the rights, thus there is an objective need to adopt tangible measures in the process of setting up a national human rights institution.
8. The current NHRAP implementation is planned to be finished by the end of 2019. Although it is premature to forecast next period NHRAP, it is expected the update on the plan implementation after the new UPR cycle reporting in May 2020. Therefore, for the government it is highly recommended to start the process of launching the new HRAP without delay after receipt of the 3rd cycle UPR recommendations.

IV. Implementation of human rights obligations

Cross-cutting issues

i) Equality and non-discrimination

9. Belarus still has not taken effective measures to develop comprehensive anti-discrimination legislation. As part of the implementation of the NHRAP, governmental body - the National Centre of Legislation and Legal Research conducted the feasibility analysis of adopting anti-discrimination legislation which concludes that anti-discriminatory provisions are already enshrined in different legal acts of Belarus, however the final results of this analysis were not yet presented to the general public, except for some information that was included in the report on the implementation of the NHRAP.
10. Currently, national Belarusian legal and judiciary systems are not well equipped to accept and consider cases on discrimination there appear to have been no cases successfully dealt with by the courts. Adoption of the comprehensive law prohibiting discrimination on any ground would foster protection of the rights of people, ensure full and equal participation in society and set clear and foreseeable rules on antidiscrimination. In this regard it is recommended to strengthen legal framework on anti-discrimination, strengthen capacity building of judiciary system and court's staff.
11. OHCHR and SHRA in Belarus had conducted training for law enforcement officials relating to non-discrimination in sports events in May 2019. This training was tailored to II European Games

and was conducted together with the Academy of the Ministry of Internal Affairs. This cooperative activity demonstrated existing gaps in practical implication of discrimination among law-enforcement authorities. It is recommended to envisage necessary measures to strengthen the system of capacity building regarding application of human rights-based approach and principle of non-discrimination for law enforcement and police officials.

12. It is necessary to continue taking further efforts towards adoption of a comprehensive anti-discrimination law, concerning institutive actions to tackle the issue of violence against women ensure that the principle of non-discrimination based on gender also applies to representatives of the LGBTI community, and adopt legislation specifically prohibiting discrimination against this group.
13. The government of Belarus is now having its 5th National Action Plan for Gender Equality for years 2017-2020. As previous ones, it lacks due recognition and not underpinned by enough financial resources. In comparison to it – the 4th National Plan of Action on Gender Equality for 2011-2015 was developed with participation of NGOs, UN agencies and approved by the Council of Ministers in February 2017. The national legislation still lacks specific prohibition of discrimination against women in all areas of life. The government is still reluctant to develop and adopt the separate Law on Gender Equality which would provide protection from discrimination on labor market and eradicate stigmatization in the society.³
14. According to the UNFPA Country office in Belarus among main bottlenecks for gender equality in Belarus are: lack of specific legislation on domestic violence and legal definition of discrimination encompassing both its direct and indirect manifestations; weak capacity of existing institutions dealing with gender equality issues to address structural impediments to gender equality; absence of effective complaints mechanisms; lack of formal gender education for specialists and civil servants; absence of holistic and systematic approach to transformation of gender stereotypes and limited government-NGOs cooperation in gender mainstreaming.
15. Tackling existing gender stereotypes on men and women's roles in society requires improving family and related labor policies that lower women's opportunity costs of parenting and promote equality in the distribution of roles in the family. This needs to be complemented with flexible parental leave schemes, flexible working time schedules and family friendly working time, and promoting and normalizing good quality part-time work. Although in 2020 it is planned to introduce compulsory (for the employer) paternal unpaid 14-day leave it is recommended to develop and implement the policies and measures to further encouragement of the participation of fathers in raising the children.
16. The members of Roma community legally have equal access to education, employment, housing, identity documents, access to public places, however there are still social exclusion cases and discriminatory measures which constitutes factual discrimination against this ethnic community

³ For relevant recommendation 127.44

in Belarus. Regular practices of fingerprinting Roma, raids without a specific reason, intimidation, stops on the street of Roma men and women for spontaneous checks, low quality of education in the schools that Roma children are attending. Arbitrary detentions of Roma also take place. Law enforcement officials arbitrarily detain Roma women, some of them repeatedly, on the token basis of preventing offences. These arbitrary arrests reveal ethnic profiling measures and violate the freedom of movement of Roma women by diffusing a feeling of fear of moving outside their communities and aggravate the existing level of social exclusion of Roma.

17. Equal access to rights guaranteed by the constitution and international obligations of the country should be ensured in practice. The government is strongly recommended to accelerate efforts in creation of an effective mechanism for protection and prevention of discrimination. This requires comprehensive legislation analysis and case registration system which should be established involving UN agencies, governmental bodies, civil society and potential beneficiaries.

A. Civil and political rights

1. Right to life, liberty and security of the person

i) Death penalty

18. It is necessary to note that no significant shift had been detected regarding death penalty and Belarus still retains it. The number of executions is unclear and estimated according to data provided by NGO. Death penalty in Belarus refers only to the most severe crimes involving the deliberate deprivation of a person's life under aggravating circumstances. It cannot be assigned to persons who have committed a crime under the age of eighteen, women, men who have reached the age of sixty-five by the day of sentence.
19. There is no official data available in open access that could provide information on quantity of executions. According to data from NGOs sources since the last report in 2014, 13 death sentences were imposed. It is recommended to provide the access to the updated information on death penalty executions.

ii) Domestic violence

20. As a result of the joint efforts of the expert community, including governmental institutions and civil society, a Concept of the Comprehensive Law on Prevention of Domestic Violence (hereinafter - the Concept) was developed and presented by the Ministry of Internal Affairs to the Presidential Administration in September 2018. The Concept introduced a number of progressive measures in line with Istanbul Convention of the Council of Europe, which would complement the existing mechanisms to protect survivors of gender-based and domestic violence. However, the developed Concept provoked strong opposition from the prolife and faith-based organizations, religious confessions in Belarus.

21. The official decision was to discontinue the development of the specialized Law. Instead, it will consider integrating the measures proposed by the Concept into different legal acts that already exist. In this regard it is recommended to take serious efforts to accelerate the process incorporating gender-sensitive legislative provisions in existing legal acts as an interim measure against domestic violence.
22. The statistics demonstrates that there is a need to continue implementing comprehensive and gender-based responses to domestic violence and that effort provided by the government were not sufficient. According to the results of the survey conducted by the Institute of Sociology of the National Academy of Sciences of Belarus in 2018 at the request of UNFPA, every second woman has been subjected to different type of violence at least once during her lifetime. According to data from the national hotline for survivors of domestic violence, 94% callers are women, 80% of them have children⁴. The resumption of dialogue on the preparation of the Law on the prevention of domestic violence is a measure of critical importance that will accelerate the amendment of existing legislation on domestic violence and violence against children. This work should be implemented with effective broad dialogue supported across the community.
23. Following institutional steps are recommended to be implemented by the state to intensify the efforts to combat domestic violence and accelerate shift in this agenda: to increase number of female police officers staff dealing with domestic violence cases; to assign custody rights over children to mothers subjected to violence cases and/or intimate partner violence in cases when violence is committed by fathers of children; introducing specialized courts or judges for dealing with violence cases; to conduct gender-sensitive professional trainings for staff of public institutions and professional groups (social workers, law-enforcement staff, doctors, psychologists, lawyers, etc.). To address such changes in all regions the country team recommends establishing intersectoral cooperation involving State and NGO service providers on the prevention of domestic violence.

iii) Human trafficking⁵

24. The Government of Belarus remained committed to countering the problem of trafficking in human beings (THB), notably, to sexual exploitation and child sexual abuse and involvement into pornography both at international and national levels, showing readiness to support global CT initiatives and strengthening internal mechanisms to combat THB. At the same time, the cases of labour/economic exploitation, regardless whether they occurred internally or abroad are not recognized as THB per se, but rather as illegal or fraudulent employment. Persons who fell victim to that are consequently not eligible to receive state's assistance and reintegration.
25. Belarus joined the Council of Europe's Convention on Action against Trafficking in Human Beings in 2014. In 2016 a monitoring mission of GRETA visited Belarus and in July 2017 the

⁴ United Nations, Human Rights Council (2019). Report of the Special Rapporteur on the situation of human rights in the Republic of Belarus, Anaïs Marin, 8 May A/HRC/41/52. para. 68

⁵ For relevant recommendations 127.63, 64, 66, 68, 69, 70, 72,73

final version of their report and recommendations for Belarus were approved and further translated and published by La Strada Belarus. For a long time, monitoring of state anti-trafficking policies was a sensitive area for civil society in Belarus, and any attempt to monitor it was viewed as a threat by the Government. On the contrary, the monitoring mechanism of GRETA became an instrument which provides a great opportunity for NGOs in Belarus to engage in reviewing the implementation of CoE Convention. In October 2018 the GRETA experts visited Belarus for a monitoring meeting with the relevant actors in the counter-trafficking and produced mid-terms conclusions on the implementation process. The Belarusian authorities are expected to submit a mid-term report on the implementation of the GRETA recommendation in October 2019.

26. The counter-trafficking efforts of the country were undertaken within the Programme on Combating organized crime and corruption in Belarus for the period of 2017 – 2019, which came into force in 2017 with CT objectives/activities integrated into the Programme. The Programme focuses on prevention of human trafficking and opens the possibility of social contracting for NGO that provide direct reintegration assistance to victims of trafficking (VoTs). However, in practice the mechanism doesn't function as envisaged : the competition for social sub-contract should be locally based and initiated by the local authorities, which may not see CT area as a priority: the fact that sub-contraction is based on reimbursement basis, so NGO need to have their internal resources to invest them first and after to place a request for reimbursement. In 2018, 82 social sub-contracts with NGOs were signed, but all agreements related to assistance to elderly people and those with disabilities. In this regard it is highly recommended to facilitate of social sub-contraction in CT area.
27. The basis for identification and referral of VoTs in Belarus is the national comprehensive Law on Counter-Trafficking adopted in 2012 and supplemented in 2015 with the Provision on Identification of VoTs, the procedure of filling in the questionnaire of a person, who might have suffered from trafficking in human beings or related crimes, the procedure of submission of the information on the person (adopted by the Council of Ministry of Belarus). The Provision allows the potential VoTs, to receive state assistance within 30 days. It was expected that the Provision will ensure unified approach and harmonize VoTs statistics between the Ministry of Interior and IOM. However, this issue is still not fully solved due to different approaches of various CT actors in following the instructions stipulated in the Provision.
28. The state seems not fully committed to expanding employment opportunities for people at risk, or any disadvantaged groups. State employment centers usually provide consultations and employment advice for unemployed people, but no special attention is paid to disadvantaged groups. They do not have even enough time to try to identify whether the visitor might be a victim of human trafficking or not. Moreover, state representatives during several recent events underlined that the definition of “vulnerability” was not clear enough for the legal practice application, therefore it cannot be included into the national legislation. It is recommended to conduct a series of interventions to clarify this definition based on international practice and in accordance with international human rights standards.

iv) *Liberty*

29. Belarusian penitentiary system still uses “treatment through labor” detentions in the Labor Treatment Profliactoriums for the alcohol and drug-addicts without having had to commit any criminal offences (just administrative). Such Labor treatment centers were originally conceived to isolate people with substance-abuse issues and provide them with “medico-social rehabilitation through compulsory work”. Placement in labor treatment centers is associated with deprivation of liberty and the conditions have been reported as equating to those of detention centers.
30. Monitoring system in the places of detention is represented by Civic Monitoring Commissions which in practice do not operate independently. Their visits to places of detention should be authorized by Ministry of Internal Affairs, the Department of Corrections. In the places of detention, they are usually providing only workshops on psychological support to ex-offenders and not allowed to check the conditions of detention, make interviews with offenders etc. Therefore, over the past 5 years Civic Monitoring Commissions did not register a single complaint of offenders that demonstrates to fully independent functioning and reporting of the commission.

2. Right to freedom of peaceful assembly

31. In July 2018 the national Law “On Mass Events” was adopted and introduced notification procedure for holding static mass events (pickets, meetings) in places specially designated by local authorities. However, in overall assessment these changes have not resulted in any substantive progress in ensuring freedom of peaceful assembly. The situation was worsened due to the adoption of Government Decree No. 49 of January 24, 2019 establishing tariffs for expenses to be covered by organizers of mass events. The costs of the fees for some types of mass events are very high that the organizers are not able to hold it. Incorporation of such disproportionate limitation lead to cancellation of several mass events and preclude from full enjoyment of right to freedom of peaceful assembly.
32. The problems in the field of freedom of assembly remain unchanged: restrictions on venues for meetings, authorities setting low-visited venues as fixed gathering places, organizers obliged to cover the expenses for maintenance of public order, medical care and cleaning, the same regulations applied to single pickets and other mass events. Spontaneous meetings remain unresolved; simultaneous meetings, or counter-demonstrations, are prohibited.
33. In terms of next positive step that would significantly promote freedom of assembly in the country it is recommended to bring the legislation on mass events in line with international standards on the right to peaceful assembly. This should also include providing for notification-based principle for all meetings and making provision for a simplified procedure for assemblies and counter-demonstrations.

3. Freedom of association⁶

⁶ For relevant recommendations: 129.66, 129.70, 129.71, 129.72, 129.73, 129.74, 129.82, 129.83, 129.84, 129.86, 129.87, 129.88;

34. Despite positive shift in the promotion of the right to freedom of association through abolition of Article 193-1 of the Criminal Code significant problems remain in the field of freedom of association. The procedure for state registration of foundations, public associations, parties and their local branches remains burdensome, and allows registering authorities to deny registration of newly created organization for insignificant reasons without giving proper justification. The registration procedure for parties, foundations and public association, still appear to be much more time-consuming and expensive than the one for commercial legal entities which constitutes discriminative approach in access to registration.
35. The framework recommendation to the government would entail to bring national legislation in line with international standards, strengthen cooperation with the UN human rights mechanisms, particularly by issuing a standing invitation to the special procedures and by facilitating a visit to Belarus of Special Rapporteur on the rights to freedom of peaceful assembly and of association.

B. Economic, social and cultural rights

1. Right to health

36. Belarus is committed to fulfil international obligations in Political Declaration on HIV 2016 and ending AIDS and TB by 2030 within SDGs. Respective priorities are included into the State Programme “Health of the nation and demographic security” 2016-2020: sub-programmes “HIV prevention” and “TB prevention”. Belarus implements almost all UNAIDS and WHO policies and guidelines including harm reduction programmes and OST. Share of domestic funding is increasing constantly, ‘Treat All’ approach is adopted and in force. Significant progress has been achieved in reaching 90-90-90 targets: 81-74-69 by the end of 2018. In 2015 Belarus lifted travel restrictions for PLHIV.
37. There are practices, policies and laws that drive people away from health care. This is lack of informed consent and confidentiality, mandatory testing⁷, policies requiring healthcare providers to report certain groups to law enforcement⁸ criminalization of HIV transmission (even with recent legal amendment⁹). There are also legal barriers preventing key populations like people who use drugs and sex workers to receive HIV prevention services: art. 328 of the Criminal Code, art. 17.5 of the Administrative Code.
38. It is recommended to focus on sustainability of the HIV prevention programmes for key populations as now services for men having sex with men and sex workers are funded exclusively by donor (GFATM); scale up social contracting to use domestic funding. To ensure people living with HIV receive WHO recommended treatment regimens further ARVs price reduction and strengthening procurement and supply system is required.

⁷ Art. 28, Law on Healthcare (updated version as of 21.10.2016 #433-3);

⁸ Resolution of the Council of Ministers #1192; Law #345-3;

⁹ Art. 157 of the Criminal Code contains a norm criminalizing HIV transmission,

39. Protocols and guidelines on reproductive health have been revised, it is required to further improve relevant policies and guidelines implementing patient-centered and evidence-based approach and implement them in medical institutions in the regions.

C. Rights to adequate standard of living¹⁰

1. Rural population especially women

40. Big difference in the quality of living conditions between rural and urban population is increasing the risk of poverty for rural residents, creates health related risks, increases vulnerability of rural population and especially elderly people, and results in additional drain of workforce to the urban areas. In 2018, 26% of rural population lived in households that lacked either central heating, running water, sewage or all of them.
41. Women are more affected as they are usually more involved in cooking and heating. Limited employment opportunities and low average wage level drive poverty risks in rural areas. In 2017, relative poverty rate in rural areas was 10 times more than the relative poverty rate in Minsk – 11% against 1%. Women living in rural areas are especially prone to the risk of the “postponed” poverty. Increase in lump-sum payments after childbirth and the linking of childcare benefits to the average wage in the country coupled with difficulties in finding employment in rural areas and the offer of predominantly low-paid employment for women predetermine their choice in favor of having children at a young age and shortening the period between the birth of children.

2. Situation with non-working citizens

42. In 2015 The President adopted the Decree No. 3 “On Prevention of Social Dependency” which has been already dubbed by the press as the Decree “On Slackers”. Certain categories of individuals were required to pay a fee to finance government expenditures: citizens of the Republic of Belarus, foreign citizens and stateless persons who have residence permit, in case when they don’t participate in financing of the government expenditures (are unemployed) or when they participate in such financing less than 183 calendar days in the tax period (calendar year).
43. In January 2018 the President of Belarus has signed Decree No. 1, which provides for measures to promote employment. It is aimed at the creation of maximum conditions for the employment of citizens, an individual approach and the principle of social justice. The new Decree No.1 replaced the heavily criticized decree No. 3 “On prevention of social dependency” prescribe that unemployed individuals have to pay higher prices for utilities and are forced to accept any employment offered to them or otherwise risk being sent to labor treatment centers, places of detention where forced labor is used. It should be noted that parents who are unemployed, suffer from addiction or committed minor administrative offenses can see their children taken away by social services for the reason that they can be seen in socially dangerous conditions.

¹⁰ For relevant recommendation 127.38. A/HRC/30/3 - Para. 127

44. It is recommended to consider feasibility of putting additional financial burden to unemployed categories of population from the HRBA perspective, to establish unemployment benefit and provide stable targeted support to vulnerable and non-stable groups of people (families with 3 or more children especially in the rural areas) to enjoy an adequate standard of living.

D. Rights of specific persons or groups

1. Children¹¹

42. The National Commission of Child Rights is a national institution responsible for the protection and promotion of the rights of the child. In order to strengthen efficiency of this authority it is recommended to update a composition of the Commission. This can be initiated through the issue of the Decree of the President. Belarus could also strengthen the coordination of the National Commission, where a greater capacitated secretariat under the Council of Ministers is established. A similar coordination body should be ensured at the local level to coordinate comprehensive responses for children.
43. Despite Government efforts to reduce the number of residential care institutions (203 in 2015, 184 in 2018) 7058 children were raised in residential care institutions in 2018. Children under 3-years-old (583 (8%) in baby homes) and children with disabilities (2680 in 2018)¹² – represent the most vulnerable groups. There is a crucial need in interagency comprehensive strategy on de-institutionalization to prevent the flow of children going to institutions and to de-institutionalize those who are already there. It is also recommended for the government of Belarus to introduce a child-oriented budget planning, that defines resource allocation on both social assistance as well as social protection services to enable greater synergy in responses for children and families.
44. Call for the development of a comprehensive national strategy on child care reform which is overseen by the National Commission on the Rights of the Child and for which actions are integrated into 2021-2025 state programmes with allocated budget resources. Recommend strengthening of family-based alternative care responses, with particular attention to specific needs of children with disabilities: e.g. specialized fostering for children with disabilities and development of supported ‘independent’ living options for young people.
45. Recommend drafting and endorsement of national, inter-sectoral strategy to combat violence against children including in ‘virtual’ spaces, broadly discussed among community members including children and adolescents themselves. The recommended activities could entail: ensuring a short number for the children’s hotline and application of technological innovations (e.g. ‘chat’ lines etc.) and active information outreach in schools and other community areas to guarantee knowledge and access for all children, adolescents and parents in need; encouraging the MOE to take a lead to pilot the Safe and Enabling Environments in Schools (SEES) programme in the academic year 2019/2021, validating the SEES programme during and after the pilot period, preferably with teachers, parents and students, to institutionalize the SEES

¹¹ For recommendations 127.78, 127.62, 127.102,

¹² <http://www.childrenportal.belstat.gov.by>

programme into all schools in Belarus; encouraging prevention work by governmental bodies on the sexual violence due to significant growth of this type of violence towards children.

46. Since 2014, harsh prison sentences have been handed down to drug users, including children with frequent sentence for periods of eight to twelve years in prison. Such an approach is disproportionate and in the case of children violates the principle of the best interest of the child and it is strongly recommended to state authorities to ensure imprisonment being a last resort and for the shortest period for minors and ensure the sentencing is in accordance with international human rights standards. On a broader note, even though in accordance with the international and national legislation, children, including child victims of trafficking and domestic violence, imprisoned minors, etc., are entitled to special protection and assistance, there are no formal procedures and arrangements in place to determine the best interests of the child.
47. Overall, the national system of child protection requires further refinement to address legislative gaps in child protection and assistance, harmonize the national legislation with international standards and principles to ensure children are adequately protected and their rights are fully respected.
48. There are some concerns regarding preschool education, where according to MoE administrative data availability in 2018 was 79.5% for children aged 1-5 years old. Furthermore, access differed greatly across rural/urban settings: 50.8%/87.5% respectively. Preschool is problematic also in terms of the education of teachers where only 45.8% of teachers have the specialized preschool education. It is recommended for Belarus to review the reasons for lack of access to pre-school facilities,¹³ particularly in rural areas, and develop a plan to address the defined barriers.

2. Persons with disabilities¹⁴

49. In 2016 Belarus signed and ratified the Convention on the Rights of Persons with Disabilities (hereinafter – PWD) and relevant implementing draft law “On the rights of PWD and their social integration” involved extensive public discussions and was developed to reflect main standards of Convention and. This demonstrated undoubtedly positive turning point in amelioration of PWD rights in Belarus.
50. Nevertheless, the current national legislation on disability contains several serious shortcomings that necessitate close attention and revision. Of main concern are manifestly medical/charity – based approaches to disabilities, incorrect interpretation of the principle of reasonable accommodation and its difference from the principle of accessibility, as well as absence of concrete and efficient sanctions and monitoring mechanisms (including independent monitoring).

¹³ For relevant recommendations 127.103

¹⁴ For relevant recommendations 127.5-10, 127.103, 127.106-111

51. The government is highly encouraged to continue efforts in approximation of the national legislation to the high standard of human rights of PWD set by the Convention. Of particular significance are the inclusion of the definition of disability-based discrimination and prohibition of all its forms; commitment to inclusive education of children with disabilities; articles regulating to the provision of sign language interpretation; and the coordinated inter-agency framework. Therefore, the continued close cooperation with the representatives of civil society, particularly, organizations of persons with disabilities, and international experts, are prerequisite for reaching the standards above.

3. People living with HIV¹⁵

52. Belarus is committed to fulfil international obligations in Political Declaration on HIV 2016 and ending AIDS and TB by 2030 within SDGs. Belarus implements almost all UNAIDS and WHO policies and guidelines including harm reduction programme and opioid substitution therapy (OST). The recent lifted travel restrictions for PLHIV by Belarus in 2015 is seen as a positive step.

53. At the same time HIV stigma, including beliefs that only certain groups of people can get HIV, prevails in Belarus.¹⁶ In addition to widely spread stigma against people living with HIV that negatively affect their participation in the life of community and access health, social and education services, there is a number of legislative norms forbidding people with HIV to serve in the army or to take some jobs such as an officer of security services or surgeon,¹⁷ as well as misinterpretation of legislative norms that leads to discrimination, for example denial of access to health resorts. There is a lack of informed consent and confidentiality provisions in mandatory testing.¹⁸ Moreover, healthcare providers are required to report information on certain groups to the law enforcement.¹⁹ HIV transmission is criminalized, with some exceptions.

54. To deal with the indicated drawbacks, the state is commissioning Legal Environment Assessment in the context of HIV to identify challenges and problems legislation poses to the people living with or affected by HIV, as well as to provide recommendations on improving the legal framework to ensure non-discrimination of the respective group of population.

¹⁵ For relevant recommendations 127.96

¹⁶ Research of the level of stigma to HIV-affected population among health care institutions' employees. BelSet antiSpid Association in cooperation with the State Institution "Republican Scientific and Practical Center for Medical Technologies, Informatization, Management and Health Economics, 2017

¹⁷ Resolution of the MoH dated 30 June 2014 #49 identifies HIV among factors preventing to be engaged in certain sports; Resolution of the Council of Ministers dated 13.04.2012 #343 forbids people with HIV to take some jobs (surgeons of different specialization); they can't be employed in uniformed agencies (Army, police, Emergency ministry, Ministry of Defence).

¹⁸ Article 28, Law on Healthcare, updated version as of 21.10.2016 #433-3,

¹⁹ Research of the level of stigma to HIV-affected population among health care institutions' employees. BelSet antiSpid Association in cooperation with the State Institution "Republican Scientific and Practical Center for Medical Technologies, Informatization, Management and Health Economics, 2017

55. Multiple factors affecting women, such as economic vulnerability, violence and difficulties in negotiating for safe sex, coupled with the fact that male-to-female sexual transmission of HIV is three times higher than female-to-male transmission, is resulting in more women being affected by HIV in Belarus. 75% of new HIV diagnoses in Belarus are ascribed to heterosexual sex. In extreme cases, women combine all vulnerabilities associated with drug use, sex work, social marginalization as well as stigma and discrimination which prevents them from accessing HIV services aggravate their social and economic exclusion from the society.
56. It is recommended to accelerate the adoption and implementation of policies which will focus on prevention of discrimination against people living with HIV. Additionally, it is also recommended to focus on sustainability of the HIV prevention programmes for key populations as now services for men having sex with men and sex workers are funded exclusively by donor (GFATM); scale up social contracting to use domestic funding.

4. Migrants, refugees, asylum seekers and internally displaced persons

57. It is still recommended to pay more attention to the topic of labour migration and generally promote the idea of migration for development, inter alia by supporting new projects and initiatives in this sphere. One of the foci areas should relate to the migrant workers' rights and efforts towards exceeding and ratifying of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as it was recommended in the previous UPR cycle.²¹
58. Irregular migrants detained in Belarus are being held in places not specifically designed for accommodating migrants – for example, in isolators of temporary detention, where they are held together with the citizens of Belarus sentenced to administrative penalties. Two pilot Migrant Accommodation Centers are expected to be built by IOM with EU support by 2020. National migration legislation does not envisage such important practice as alternatives to detention (ATD), which has proven to be an effective and humane alternative to detentions per se. Therefore, it is recommended to the Government of Belarus to explore international experience on the use of ATDs and consider them as a measure prevailing over forced detentions.
59. Belarus acceded to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (hereinafter – the 1951 Convention) in 2001. The new version of the Law on Granting of Refugee Status, Complementary Protection, Asylum and Temporary Protection to Foreign Citizens and Stateless Persons in the Republic of Belarus (hereinafter – the Law on Refugees) was adopted in late June 2016 and came into force on 1 July 2017.

²⁰ Violence against women. Key facts by World Health Organization (<https://www.who.int/ru/news-room/factsheets/detail/violence-against-women>), 2017

²¹ For relevant recommendation 130.11

60. The current version of the Law on Refugees improved Belarusian asylum system. In particular, it introduced the following important positive changes: almost all rejection grounds not in line with the 1951 Convention were eliminated. In addition to the above, the current version of the Law on Refugees contains the clause according to which in case the Law on Refugees provides better treatment and more rights in comparison to the international treaties of Belarus and/or the other Belarusian legislation, the provisions of the Law on Refugees should apply.

61. UNHCR Country office recommend to:

- Eliminate 3rd safe country as separate rejection ground or ensure that its application depends on the assessment whether a country, which is considered as the 3rd safe in a particular case, will in reality provide unhindered access to its state refugee status determination (hereinafter – RSD) procedure and ensure, in practical perspective, protection against refoulement at least before decision on asylum application is issued.
- Introduce the principle of the best interest of the child (hereinafter – BIC) in state RSD procedures as well as specific / dedicated procedure for the purpose of the BIC identification and ensure proper practical implementation of the BIC principle by competent state authority.
- Elaborate and launch a system of integration for asylum-seekers and refugees so that they are able to become self-sufficient and fully responsible for their economic wellbeing.
- Consider introduction of alternatives to detention for asylum-seekers and only use detention as a measure of last resort in accordance with the law, for the shortest possible period.
- Prevent refoulement of asylum-seekers who are still in the appeal stage of state RSD procedure.
- Introduce changes into legislation and/or law enforcement practices to have alternative options for confirmation of registration according to the place of permanent residence (also known as propiska) and registration according to the place of temporary residence needed for processing of permits for permanent residence and permit for temporary residence respectively.

62. After official accession to the UN Statelessness Conventions (of the 1954 and of the 1961) ²² it is recommended to examine relevant national legislation and introduce changes, where relevant, to provide for better treatment of stateless persons and children in particular and, inter alia, focus on prevention of occurrence of new instances of statelessness.

63. Introduce specific and dedicated statelessness determination procedure (hereinafter – SDP), which will help to improve identification of stateless persons, provide stateless persons with relevant legal status in Belarus and document them in accordance with specific permit for residence. As a result, a person with regularized legal status will have no problems or definitely much less challenges in terms of enjoyment of the rights s/he is entitled to due to type of residence permit s/he possesses.

²² For relevant recommendation 128.

Annex I.

The Contribution was jointly provided by following agencies

- United Nations Development Programme in Belarus
- United Nations Population Fund in Belarus
- United Nations Children's Fund in Belarus
- Joint United Nations Program on HIV / AIDS in Belarus
- United Nations High Commissioner for Refugees in Belarus
- International Organization for Migration