



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Belarus*

I. Introduction

1. The Committee considered the initial periodic report of Belarus at its 732nd and 733rd meetings, held on 20 and 21 August 2024. It adopted the present concluding observations at its 749th meeting, held on 2 September 2024.
2. The Committee welcomes the initial report of Belarus, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for its written replies to the list of issues prepared by the Committee.
3. The Committee appreciates the fruitful and constructive dialogue held with the delegation of the State party, which included representatives of the relevant government ministries.

II. Positive aspects

4. The Committee welcomes the measures taken by the State party to implement the Convention since its ratification thereof in 2016. It notes with appreciation the adoption and the establishment of the following:
 - (a) Persons with Disabilities and their Social Integration Act, in 2022, to implement the Convention on the Rights of Persons with Disabilities;
 - (b) Law on social service, which constitutes the community-based approach and mainstreamed services;
 - (c) Concept and application of universal design and the provisions of the necessary executive regulations for its implementation;
 - (d) National action plan for the implementation of the Convention on the Rights of Persons with Disabilities in Belarus for the period 2017–2025;
 - (e) Specific provisions in the Constitution to ensure equality for persons with disabilities;
 - (f) State Social Protection Programme for the period 2021–2025, to create an accessible environment and to ensure the accessibility of services and improve the quality of life of persons with disabilities;
 - (g) National Interdepartmental Council on the Rights of Persons with Disabilities, which coordinates the activities of State bodies in implementing the Convention and the Rights of Persons with Disabilities Act.

* Adopted by the Committee at its thirty-first session (12 August–5 September 2024).



III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

5. The Committee is concerned about the following:

(a) The fact that the Optional Protocol to the Convention has not yet been ratified;

(b) The persistence of the medical approach to disability and the use of the medical model to identify and classify persons with disabilities through the Medical Experts Commission;

(c) The lack of harmonization of national laws in relation to the general principles of the Convention, such as the provisions related to legal capacity, criminal liability for persons with psychosocial disabilities and/or intellectual disabilities and children with disabilities;

(d) Gaps in the implementation of the principle of non-discrimination in practice, owing to inadequate provisions in relation to the funding, mechanisms or sanctions, as well as for various disability initiatives and programmes, including the national action plan for the period 2017–2025 on the implementation of the Convention;

(e) Use of derogatory language to refer to persons with disabilities as “invalids”, which is inconsistent with the Convention, and use of such language in the provisions of articles 29, 172 and 947 of the Civil Code, articles 28, 29 and 106 of the Criminal Code and article 31 in the Child Rights Law and in the Law on the rights of persons with disabilities and their social integration.

6. The Committee recommends that the State party, in line with the Committee’s general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention:

(a) **Ratify the Optional Protocol to the Convention without further delay;**

(b) **Replace the Medical Expert Commission with a multidisciplinary mechanism representing members from diverse backgrounds and established in accordance with the human rights model of disability;**

(c) **Amend the national legislation to harmonize national laws with the general principles of the Convention, such as the provisions for persons with disabilities with regard to their legal capacity and criminal liability, in particular for those with psychosocial disabilities, and for children with disabilities;**

(d) **Abolish all discriminatory provisions against persons with disabilities and derogatory language or use of words in law and practice;**

(e) **Undertake measures to provide adequate funding for establishing mechanisms and systems for various ongoing and future disability initiatives and national and municipal policies and programmes, while ensuring a disability inclusive approach on these efforts.**

7. The Committee is concerned about the lack of support to, existing fear of persecution faced by, and the practical barriers in the functioning of, organizations of persons with disabilities and their limited participation in the development of legislation or policies, decision-making and monitoring processes, and it recalls the report of the United Nations High Commissioner for Human Rights on the situation of human rights in the State party, in which the High Commissioner documented the closure or liquidation of 1,500 non-governmental organizations. The Committee is also concerned that organizations working for the rights of persons with disabilities have ceased to function in the State party.

8. Recalling its general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, the Committee recommends that the State party ensure full liberty for persons with disabilities and

their representative organizations to be freely and actively involved in the policy development, implementation and monitoring processes at the national and municipal levels. The Committee also recommends that the State party undertake measures for the investigation of the closure of the organizations of persons with disabilities and ensure their resumption of functioning and provide an enabling space for their work, as well as that of other civil society organizations that support the rights of persons with disabilities.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

9. With reference to the State party's adopted definition of discrimination on the basis of disability and the provisions on the prohibition of discrimination contained in the Law on the rights of persons with disabilities and their social integration, the Committee is concerned about the following:

(a) The absence of a national mechanism to observe and investigate discriminatory individual or/and institutional practices and to receive complaints from the victims of discrimination on the basis of disability;

(b) The absence of measures to identify the cases of denial of reasonable accommodation and the necessary procedures for the implementation of reasonable accommodation.

10. **Recalling its general comment No. 6 (2018) on equality and non-discrimination, the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities and their representative organizations:**

(a) **Establish a national mechanism to monitor and investigate all forms of discrimination against persons with disabilities and adopt effective and equitable remedies;**

(b) **Expedite the inclusion of measures in national legislation, implement the recognition of denial of reasonable accommodation in all areas of life, in the public and private sector, as a form of discrimination and develop measures to combat it in every area.**

Women with disabilities (art. 6)

11. The Committee is concerned about the following:

(a) The lack of mainstreaming of the rights of women with disabilities into the existing national policy and the action plan on gender equality;

(b) The lack of representation of women with disabilities in the National Council on Gender Policy;

(c) The lack of effective legal provisions and practical measures to protect women with disabilities from multiple forms of discrimination and violence.

12. **Recalling the Committee's general comment No. 6 (2018) and the concluding observations adopted by the Committee on the Elimination of Discrimination against Women on the eighth periodic report submitted by the State party under the Convention on the Elimination of All Forms of Discrimination against Women, the Committee recommends that the State party:**

(a) **Review the current national policies, strategies and action plans on gender equality in close consultation with, and with the active involvement of the organizations of women with disabilities to ensure full inclusion of their rights;**

(b) **Ensure effective representation of women with disabilities in National Council on Gender Policy;**

(c) **Amend the current national legislation, in particular the Civil Code, Criminal Code and the Marriage and Family Code, and harmonize them with the Convention and the relevant human rights treaties for the protection of women with disabilities from violence, forced abortion and “forced abandonment” of their children, and ensure equality for women with disabilities on all spheres of life.**

Children with disabilities (art. 7)

13. The Committee is concerned about the insufficient support within the existing system of social services and benefits as required for children with disabilities and their families.

14. **Recalling the concluding observations adopted by the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of the State party under the Convention on the Rights of the Child and the joint declaration of the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities on children with disabilities, the Committee recommends that the State party develop a national plan with clear targets and a time frame for phasing out the institutionalization of children and promote the inclusion of children with disabilities, thereby enabling their life and inclusion within local community.**

Awareness-raising (art. 8)

15. The Committee is concerned about the following:

(a) Widespread stigmatization of persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities;

(b) The limited information and awareness regarding the Convention and the rights of persons with disabilities, in particular the availability in Easy Read format of the Convention and other human rights related publicity materials;

(c) The inadequacy of measures to combat stereotypes, as well as to develop and disseminate messages on the rights of persons with disabilities, in the sectors of education, public service, law enforcement, the judiciary and the media and among the general public;

16. **The Committee recommends that, in close consultation with, and with the active involvement of persons with disabilities and their representative organizations, the State party:**

(a) **Develop a national action plan to eliminate the stigma and the stereotypes about persons with disabilities and promote positive values with a view to fostering understanding of diversity in the community, through active collaboration with the media and educational institutions through their curricula and other activities;**

(b) **Undertake measures to ensure the availability of and access to full information regarding the Convention and other human rights instruments, in particular the rights of persons with disabilities, in accessible formats, including in Braille, sign language, audio and Easy Read;**

(c) **Develop guidelines and provide regular training courses to relevant staff, in accordance with the human rights model of disability at all levels of education, in the sectors of public service, law enforcement, the judiciary and the media and also among the general public, including with an emphasis on eliminating disparities in rural and remote areas.**

Accessibility (art. 9)

17. The Committee is concerned about the following:

(a) The need to implement measures on accessibility more broadly than in terms of physical accessibility, given the limitations in providing access to information in various formats, such as Easy Read, audio description and sign language, as required for different disabilities;

(b) The lack of monitoring and review mechanisms and systems to ensure the implementation of the provisions for accessibility for persons with disabilities.

18. **Recalling its general comment No. 2 (2014) on accessibility, the Committee recommends that, in close consultation with and with the active involvement of persons with disabilities and their representative organizations, the State party:**

(a) **Adopt a specific law on a barrier-free environment and accessibility and include therein inclusive legally binding accessibility standards based on the principles of universal design with the aim of eliminating accessibility barriers in all areas, including in information and communications technologies, and within reasonable time frames;**

(b) **Establish monitoring mechanisms and measures to evaluate the development of and monitoring of the application of accessibility in all sectors.**

Right to life (art. 10)

19. The Committee is concerned about the following:

(a) The legality and practice of the death penalty in the State party, as applicable also to persons with disabilities in disregard of the limits recognized under international law;

(b) The reported deaths of persons with disabilities while in detention and the serious health conditions faced by persons with disabilities in detention that may pose a threat to their lives as a result of deprivation of health-care services and lack of reasonable accommodation.

20. **Recalling the concluding observations of the Human Rights Committee on the fifth periodic report of the State party under the International Covenant on Civil and Political Rights, the Committee recommends that the State party enforce an immediate moratorium on executions of persons with disabilities, ensure access to effective health-care services for persons with disabilities in detention or prison facilities and day and residential care centres and allow for independent inspection and fact-finding committees to visit them to monitor and assess the situation of persons with disabilities therein.**

Situations of risk and humanitarian emergencies (art. 11)

21. The Committee is concerned about the following:

(a) The lack of specific measures for persons with disabilities in the State party, those affected or displaced by the humanitarian crisis in Ukraine, in particular with regard to the risks for children with disabilities facing situations of institutionalization or the involvement and abuse of such children in the context of the conflict;

(b) The lack of participation of and consultations with organizations of persons with disabilities in the formulation of the national emergency risk reduction strategy for the period 2019–2030;

(c) The absence of specific measures and evacuation plans that are responsive to the needs of persons with disabilities in situations of risk and humanitarian emergencies.

22. **The Committee, recalling the guidelines on deinstitutionalization, including in emergencies, recommends that, in close consultation with and with the active involvement of persons with disabilities and their representative organizations, the State party:**

(a) **Expediently establish an identification system for persons with disabilities affected by conflict, including women and children with disabilities, internally displaced persons with disabilities, persons with disabilities in refugee-like situations and those of Ukrainian origin, ensuring all humanitarian access and support for their requirements;**

(b) **Adopt a disability-inclusive response for children with disabilities affected by conflict, while avoiding their institutionalization, support the reunification with their families or community members, with particular attention given to those children with disabilities that were unaccompanied or abducted during the course of conflict in the**

region, and provide them with the support necessary to live in safe conditions, as well as with basic services, such as health care and education;

(c) **Review and harmonize the national emergency risk reduction strategy for the period 2019–2030 to promote protection measures, including the evacuation of persons with disabilities;**

(d) **Ensure that the emergency response mechanisms, services and evacuation plans are inclusive, available and accessible for all persons with disabilities, such as through visual and vibrational alarms and alerts for deaf persons and deafblind persons, adopt evacuation methods to allow for persons with a physical disability to keep their assistive devices, and provide dedicated training for emergency services staff.**

Equal recognition before the law (art. 12)

23. The Committee is concerned that:

(a) Persons with psychosocial disabilities and/or intellectual disabilities continue to be subjected to legal incapacitation proceedings due to medical diagnoses, which are often preceded by involuntary hospitalization;

(b) The partial incapacitation procedures introduced in 2020 are not in compliance with the Convention and supported decision-making mechanisms for persons with disabilities to exercise their legal capacity on an equal basis with others are absent;

(c) Article 375 of the Criminal Procedure Code, in contravention to the Convention, stipulates that a case of legal incapacity for a citizen may be tried by a court of law without his or her participation;

(d) That the number of persons with disabilities restoring their legal capacity has been low over the past several years;

(e) Persons with disabilities are excluded from article 376 of the Civil Procedure Act, which provides for measures for the possibility of initiation of proceeding by third parties to remove restrictions on the legal capacity of a person.

24. **Recalling its general comment No. 1 (2014) on equal recognition before the law, the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities and their representative organizations:**

(a) **Replace its guardianship and mental health regulations with a supported decision-making mechanism and abolish all forms of deprivation of legal capacity on the basis of impairment;**

(b) **Harmonize national legislation, in particular the Criminal Procedure Code and the Civil Procedure Act, with the general principles and articles 5 and 12 of the Convention;**

(c) **Review all legislation and measures with a view to eliminating all restrictions on rights as a result of a declaration of legal incapacity or on the grounds of a person's impairment;**

(d) **Provide the authorities, including law enforcement agencies and courts, with training and awareness-raising on the requirements of the right to legal capacity of persons with disabilities in accordance with the Convention.**

Access to justice (art. 13)

25. The Committee is concerned that:

(a) The Law on Judicial Enforcement Proceedings and the Instruction on Notarial Procedure lack guarantees for the recruitment of qualified interpreters for deaf persons;

(b) Persons with intellectual and/or psychosocial disabilities are excluded from participating in court hearings when deciding on the need and possibility of compulsory treatment in a medical institution and lack of awareness persists among lawyers on the

individual requirements of persons with psychosocial disabilities and/or intellectual disabilities;

(c) Persons with psychosocial disabilities and/or intellectual disabilities are sometimes also included in the State party's list of people involved in extremist or terrorist activities;

(d) Law enforcement, judicial staff and judges lack training, which should be done on a regular basis, in relation to the knowledge and awareness for communicating effectively with persons with disabilities;

(e) Court case statistics are not disaggregated by disability, causing difficulties when attempting to assess the number of persons with disabilities who access the justice system;

(f) Persons with disabilities, in particular persons with vision impairments and persons with psychosocial disabilities and/or intellectual disabilities, lack access to judicial materials in accessible formats.

26. Recalling the International Principles and Guidelines on Access to Justice for Persons with Disabilities, the Committee recommends that the State party:

(a) **Harmonize the Law on Judicial Enforcement Proceedings and any other guideline or policy to provide for qualified interpreters in Belarusian sign language for deaf people;**

(b) **Provide persons with psychosocial disabilities and/or intellectual disabilities the possibility of due process with the established safeguards and aids when facing a trial and ensure that lawyers defending persons with psychosocial disabilities and/or intellectual disabilities are properly trained;**

(c) **Refrain from including persons with psychosocial disabilities and/or intellectual disabilities in the State party's list of people involved in extremist or terrorist activities;**

(d) **Undertake measures to provide for regular and standardized training courses for all law enforcement and judicial staff and judges, with a view to developing their knowledge and understanding of communication in relation to all persons with disabilities;**

(e) **Establish a system for the collection and analysis of statistical data on the number of complaints submitted by persons with disabilities, the rates of dismissal or withdrawal of complaints and procedural accommodations provided during proceedings. All data should be disaggregated, including in relation to intersecting forms of discrimination and other relevant sociodemographic characteristics, including the age, sex, gender, geographical location and migrant, asylum-seeking and refugee situation of the person with disabilities;**

(f) **Ensure the dissemination of all documents during the judicial procedures in all accessible formats.**

Liberty and security of the person (art. 14)

27. The Committee is concerned that:

(a) Article 36 of the Mental Health Care Act allows for compulsory hospitalization and treatment based on a court decision in relation to persons with disabilities;

(b) Risks of infringement of liberty and security persist, along with violence, abuse and ill-treatment, in settings of detention for persons with an officially recognized disability status, those with unregistered disabilities and those having obtained a disability in the course of their detention.

28. Recalling the Committee's guidelines on the right to liberty and security of persons with disabilities and the guidelines on deinstitutionalization, including in emergencies, the Committee recommends that, in close consultation with and with the

active involvement of persons with disabilities, in particular persons with psychosocial and/or intellectual disabilities, and their representative organizations, the State party:

(a) **Undertake reforms of the Mental Care Act, including article 36 thereof, to eliminate the possibility of institutionalization of persons with psychosocial disabilities and/or intellectual disabilities and children with such disabilities;**

(b) **While deinstitutionalization is in process, ensure a mechanism that comprises persons with disabilities, through their representative organizations, to prevent, detect and address violations of the human rights of persons with disabilities, functioning as an independent system of monitoring and evaluation for the institutions where persons with disabilities are segregated;**

(c) **Undertake measures to handle the complaints of the cases of deprivation of liberty and security of persons with disabilities effectively.**

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

29. The Committee is concerned about the following:

(a) The lack of comprehensive provisions in the current legislation to specifically criminalize the cruel, inhuman or degrading treatment of persons with disabilities and the disregard of the legislation on the protection of the rights of persons with disabilities in correctional and psychiatric facilities;

(b) The high rates of gender-based violence, sexual assault and forced hospitalizations encountered by women with disabilities, in particular those who are human rights defenders or political activists;

(c) Reports of incidents of violence and intimidation against members of the lesbian, gay, bisexual, transgender and intersex communities, including persons with disabilities, and the lack of adequate investigation and accountability measures in such cases;

(d) The lack of access for independent national or international observers to all places of deprivation of liberty in the country, including psychiatric institutions;

(e) The lack of investigation and accountability measures in relation to the conduct of law enforcement officials whose involvement in torture are categorized administratively as merely “exceeding professional competences” and the gaps in information on the number and status of persons with disabilities who have been victims of torture, as well as the barriers related to access to justice for victims who seek to make complaints of such practices.

30. **Recalling the concluding observations adopted by Committee against Torture on the fifth periodic report of the State party under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Committee recommends that the State party:**

(a) **Undertake reforms of legislation with a comprehensive definitional scope to ensure the protection of persons with disabilities against any form of torture or cruel, inhuman or degrading treatment;**

(b) **Adopt measures in the legislative framework that take into consideration disability as an aggravating circumstance;**

(c) **Establish a mechanism and system to monitor the institutions still housing persons with disabilities, allowing for access for independent national and international observers and persons with disabilities, to address complaints, conduct follow-up to complaints, identify punitive measures and prescribe them to perpetrators and to impart restorative justice for victims, including for lesbian, gay, bisexual, transgender and intersex communities;**

(d) **Adopt laws to prevent and investigate effectively instances of torture, violence and intimidation perpetrated by law enforcement officers, including the police, provide sanctions for involvement in such practices, while ensuring adequate measures for access to justice and restorative justice for victims with disabilities in such cases.**

Freedom from exploitation, violence and abuse (art. 16)

31. The Committee is concerned about the following:

(a) The lack of effective measures provided for in national policy and legislation to prevent and protect women and children with disabilities from discrimination, violence, sexual abuse and bullying;

(b) The lack of availability of “crisis” rooms for some “categories” of persons with disabilities and the insufficiency of staff with the required knowledge and awareness to provide support for women and girls with disabilities who are victims of violence;

(c) The low level of awareness on forms of gender-based violence, including sexual violence, among persons with disabilities and on their rights to remedy.

32. **The Committee recommends that the State party:**

(a) **Amend the national legislation with regard to the rights of children to incorporate and strengthen measures for the prevention of bullying, sexual abuse and violence against children with disabilities.**

(b) **Adopt national legislation to prevent violence, as well as protect and provide remedies for the victims, including persons with disabilities, prosecuting the perpetrators and ensuring justice to victims with the support of inclusive rehabilitation and services that respond to the requirements of women and children with disabilities and persons with psychosocial disabilities and/or intellectual disabilities;**

(c) **Provide wide access to legal aid and information and training and awareness-raising initiatives for aid workers or the staff of organizations, as well as budgets earmarked for the prevention and protection from violence and abuse against persons with disabilities;**

(d) **Implement measures expeditiously, to make “crisis” rooms accessible for all persons with disabilities who are victims of violence;**

(e) **Raise awareness among women with disabilities, including women with intellectual disabilities and women with psychosocial disabilities, about the various forms of gender-based violence, including sexual violence, their right to be free from these forms of violence and the complaint procedures for reporting cases of gender-based violence.**

Protecting the integrity of the person (art. 17)

33. The Committee is concerned about women and girls with psychosocial disabilities who continue to be non-consensually sterilized under the Psychiatric Protection Act. It is also concerned about the lack of protection against forced abortion.

34. **The Committee recommends that the State party urgently amend the Psychiatric Protection Act to prohibit forced sterilizations and forced abortion against women and girls with disabilities, including those held in prisons and psychiatric hospitals or asylums.**

Liberty of movement and nationality (art. 18)

35. The Committee is concerned about the following:

(a) The direct or indirect restrictions on the freedoms of activists with disabilities and other human rights defenders with disabilities on the grounds of their civic activism or political expression;

(b) The reported violence perpetrated by the border management officials against asylum-seekers, including those with disabilities.

36. **The Committee recommends that the State party:**

(a) **Remove all restrictions on the freedoms of activists with disabilities and ensure their full enjoyment of and ability to exercise their freedom to reside in their country or to leave for elsewhere upon their free and individual choice;**

(b) **Ensure the safety and respect the dignity of refugees and asylum-seekers with disabilities, eliminating all forms of violence at the borders, and safeguard their freedom of movement and access to necessary services, including medical and humanitarian support.**

Living independently and being included in the community (art. 19)

37. The Committee is concerned about the following:

(a) The continued institutionalization of persons with disabilities and the lack of a clear strategy or policy on deinstitutionalization or efforts to include persons with disabilities in the community or to provide the necessary support services, including personal assistance services;

(b) The increasing number of children with disabilities enrolled in institutions, including boarding schools for children with disabilities;

(c) The lack of awareness in society and among public authorities of the right of persons with disabilities to live independently and be included in the community, their right to choose where and with whom to live and their right not to be obliged to live in a particular living arrangement.

38. **Recalling its general comment No. 5 (2017) on living independently and being included in the community and the guidelines on deinstitutionalization, including in emergencies, the Committee recommends that, in close consultation with and with the active involvement of persons with disabilities and their representative organizations, the State party:**

(a) **Establish a moratorium on the admission of persons with disabilities to existing institutions;**

(b) **Increase and expand provisions on support services, as required, for children with disabilities and their families to ensure full support for children with disabilities in the community;**

(c) **Ensure the right of persons with disabilities to live independently and their freedom to choose where and with whom to live, preventing any type of congregated living arrangements, including “family-like environments”, which reproduce isolation and institutionalization, and redirect resources from institutions, including small-sized institutions, towards support for living in the community;**

(d) **Develop and implement a deinstitutionalization strategy, with clear time frames and budgetary allocations, applicable to all persons with disabilities, regardless of age, gender or type of impairment, containing measures to develop independent living skills and to facilitate the transition between institutional settings and life in the community;**

(e) **Strengthen measures to develop community-based services and individualized forms of support, ensuring peer support groups and cash transfers or personal budgets, including in rural areas;**

(f) **Redirect resources that were used for institutions in which persons with disabilities were segregated to community or family support, the provision of personal assistance services and the accessibility of existing services in the community.**

Personal mobility (art. 20)

39. The Committee is concerned about the following:

(a) The absence of a comprehensive strategy, action plan or targeted legislation to improve the individual safety of persons with disabilities for their personal mobility in a manner that ensures universal access to appropriate mobility aids and assistive devices;

(b) The lack of orientation and mobility training programmes for children and adults with disabilities and the absence of clear mechanisms to provide them with aids and assistive technologies that help them to move around independently and safely.

40. **The Committee recommends that the State party:**

(a) **Develop a national strategy or targeted legislation on personal mobility, guaranteeing universal access to appropriate mobility aids and other assistive technologies;**

(b) **Develop specialized mobility training for children and adults with disabilities and provide the assistive technology, tools and aids necessary to enable persons with disabilities to exercise their right to mobility safely and independently.**

Freedom of expression and opinion, and access to information (art. 21)

41. The Committee observes the following with concern:

(a) The legal and practical restrictions on the freedom of expression of a number of persons with disabilities and their representative organizations with regard to their participation in public demonstrations and the reported administrative detention and the excessive use of force against them;

(b) The limitations on access to disability-related information in the State party, including the information about the situation of persons with disabilities under adjudication or those in the prisons due to allegations related to freedom of expression;

(c) The amendments to the Criminal Code concerning “discreditation of the Republic of Belarus”, classifying any criticism of the State actions and/or activities as a punishable crime, which restrict persons with disabilities from exercising their right to express their views on public affairs, including on matters regarding their rights;

(d) That Belarusian sign language is still not considered as a formal language in the State party and that there are insufficient levels of accredited sign interpreters, which restrict deaf persons from exercising their basic freedoms and fundamental rights, including their rights to education, access to information, health and freedom of expression.

42. **The Committee recommends that, in close consultation with and with the active involvement of persons with disabilities and their representative organizations, the State party:**

(a) **In line with general comment No. 34 (2011) on the freedoms of opinion and expression of the Human Rights Committee, respect the right of persons with disabilities to exercise their freedom of expression on an equal basis with others and their right not to be harassed and/or arrested under the false grounds that they are protesting for “political reasons”;**

(b) **Ensure public access to all available information about the situation of persons with disabilities and transparent dialogues on their situation regarding their ongoing trials and about persons with disabilities in prisons;**

(c) **Remove all legal and practical barriers, including those in the amended Criminal Code, and ensure that persons with disabilities are able to exercise their right of freedom of expression on an equal basis with others;**

(d) **Develop a national plan with timelines for the adoption of Belarussian sign language as an official language in the State party and a national programme for training adequately qualified sign interpreters to support deaf persons and their representative organizations.**

Respect for privacy (art. 22)

43. The Committee is concerned about the lack of privacy of the personal data of persons with disabilities, in particular persons with psychosocial disabilities and/or intellectual disabilities.

44. **The Committee recommends that the State party strengthen its legal provisions for the protection of the personal data and privacy of persons with disabilities, including by establishing safeguards in the Online Platforms and Online Advertising Act and other relevant legislation and by setting up data protection protocols and securing**

systems to guarantee the privacy on matters of personal details, health and rehabilitation, while providing effective remedies for any breaches of privacy.

Respect for home and the family (art. 23)

45. The Committee is concerned about the following:

(a) The lack of parental rights and the barriers to exercising parenthood, including the right to adopt children, faced by persons with disabilities, in particular for persons with psychosocial disabilities and/or intellectual disabilities, autistic persons and those who are living in rural areas;

(b) The insufficient measures to support parents with disabilities to retain custody and to prevent the voluntary and involuntary abandonment of their children with disabilities, affecting in particular affecting women with disabilities;

(c) The prevalence of the forced abandonment of children with disabilities.

46. **The Committee recommends that the State party:**

(a) **Develop legislation, policies and effective mechanisms for implementation regarding the right to parenthood, including the right to adopt children, for persons with disabilities;**

(b) **Ensure support, awareness-raising and the dissemination of information for parents with disabilities to raise their children in a family setting, including those living in rural areas;**

(c) **Take legal and practical measures to eliminate child abandonment, in particular on the basis of disability, and provide support that is effective in practice for children with disabilities and their families.**

Education (art. 24)

47. The Committee notes with concern that:

(a) Despite the formal commitment to inclusive education in the draft law for inclusive education, there are still significant barriers to its effective implementation, including lack of resources, inadequate monitoring and a prevailing medical and charity-based approach to disability;

(b) A large number of students with disabilities are still learning in segregated schools and those who are learning in public schools lack the necessary accommodations;

(c) Most students with disabilities are not able to complete their high school education or attend tertiary education.

48. **Recalling its general comment No. 4 (2016) on the right to inclusive education and target 4.5 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Realize the commitment to inclusive education at both the legal and at the policy levels, with the aim of eliminating all discriminatory provisions regarding the education of students with disabilities, and explicitly provide for high-quality inclusive education to ensure that no child with disabilities is excluded from the general education system on the basis of impairment;**

(b) **Ensure access to the general education system in the community and provide the necessary reasonable accommodations for all learners with disabilities on an equal basis with other children;**

(c) **Guarantee access to regular education facilities and transportation for children with all kinds of disabilities in their communities, including in rural areas;**

(d) **Provide comprehensive and focused training for general education teachers and administrative staff on the principles and methods of inclusive education, the capacities of children with disabilities and the individualized support measures required by children with disabilities;**

(e) **Develop effective measures and a budget for accommodations, including at the university level, for all students with disabilities, regardless of the type of impairment.**

Health (art. 25)

49. The Committee is concerned about the following:

(a) The lack of a people-centred health-care system for all persons with disabilities and the insufficient accessibility of health-care facilities, services and medical equipment, including physical and informational accessibility;

(b) The physical and social barriers and the lack of accommodation in the health-care system that restrict women with disabilities in the exercise of their autonomy and their access to sexual and reproductive health services;

(c) The fact that persons undertaking health consultations with psychologists or other treatments are being forced to be registered as “those with a mental disorder”, which has an ensuing impact that employers avoid hiring them;

(d) The absence of dedicated trainings for medical staff regarding the provision of services to all persons with disabilities and the lack of persons with disabilities as part of the training system and the structure of the training content.

50. **Taking into account the links between article 25 of the Convention and targets 3.7 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Develop action plans in line with the human rights model of disability to ensure the accessibility and availability of health-care programmes, services and equipment for persons with disabilities, with a specific emphasis on the sexual and reproductive health of women and girls with disabilities, as well as on accessible information and communication for persons with autism, persons with psychosocial disabilities and/or intellectual disabilities, persons with a visual disability, deaf persons and persons who are hard of hearing in general treatment in the health-care system;**

(b) **Ensure access to health services for women and girls with disabilities, including sexual and reproductive health care and services, and safeguard their decision-making so that they can affirm their sexual and reproductive autonomy, in particular by intensifying efforts for women with disabilities living in the rural areas;**

(c) **Ensure within health services the right to privacy of persons with disabilities, by guaranteeing protection of their personal data and refraining from sharing or using such information without their consent, including for any policy or administrative purposes, and guarantee effectively the right to remedy for any health-related privacy violations;**

(d) **Develop training programmes, including in universities, and in-service training curricula for health-care professionals on the requirements and rights of persons with disabilities and involve persons with disabilities in the design, delivery and facilitation of the curricula and training.**

Habilitation and rehabilitation (art. 26)

51. The Committee is concerned about the delay in the realization of, and the lack of, a workplan anchored in time for the provision of, rehabilitation services adapted to persons with disabilities.

52. **The Committee recommends that, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, the State party expand habilitation and rehabilitation services for persons with disabilities in the community and that it defines a workplan anchored in time to make rehabilitation services for persons with disabilities fully accessible and inclusive.**

Work and employment (art. 27)

53. The Committee is concerned about the following:

(a) The very low employment rate of persons with disabilities, in particular in the open labour market, where those employed are mostly in underpaid, unskilled jobs, and the persistence of sheltered workshops;

(b) The ineffectiveness of existing measures of support for the employment of persons with disabilities, including women with disabilities, in an open labour market, including the obligation under the Labour Code to provide reasonable accommodation;

(c) The barriers that persons with disabilities face in employment, resulting from the lack of accessibility to and reasonable accommodation in workplaces, including transportation;

54. **Recalling its general comment No. 8 (2022) on the right of persons with disabilities to work and employment, the Committee recommends, in line with target 8.5 of the Sustainable Development Goals, that the State party:**

(a) **Revise the existing legislation and measures of support for the employment of persons with disabilities and take comprehensive measures aimed at supporting the work and employment of persons with disabilities effectively in the open labour market and in inclusive work environments;**

(b) **Adopt legislative and policy measures to promote the work of persons with disabilities in the open labour market, protect the rights of persons with disabilities to just and favourable conditions of work and ensure that persons with disabilities are not paid below the minimum wage and are provided with work contracts and are remunerated for their work on an equal basis with others;**

(c) **Redirect the allocations for the employment of person with disabilities from sheltered employment to support the employment of persons with disabilities in the open labour market, including persons who require intense support and deinstitutionalized persons, and ensure that the right to seek reasonable accommodation in the workplace is recognized for employees with disabilities in the public and private sectors;**

(d) **Monitor, in close consultation with organizations of persons with disabilities, the accessibility of workplaces across the State party and adopt an action plan with the aim of outlining measures, with time frames and adequate budgets, to ensure the accessibility of workplaces, including access to transportation.**

Adequate standard of living and social protection (art. 28)

55. The Committee is concerned about the information before it indicating the significant tendency within the State party to reduce the number of officially registered persons with disabilities and that considerable number of persons with disabilities do not receive their benefits.

56. **The Committee recommends that the State party define, legally and at the policy level, an accessible, transparent and human rights-based system in which all persons who declare their disabilities are included and become eligible to receive the available benefits.**

Participation in public and political life (art. 29)

57. The Committee notes the following with concern:

(a) The low level of participation of persons with disabilities, including women with disabilities, in political life, including in high-level decision-making positions;

(b) The lack of accessible leadership programmes for children, young people and adults with disabilities, encouraging persons with disabilities serving as role models to support, mentor and train persons with disabilities for leadership.

58. **The Committee recommends that the State party:**

(a) **Create infrastructures for leadership development and training, especially among women and girls with disabilities, and introduce necessary adjustments, while disseminating this information widely so that people with disabilities can be used in various leadership positions;**

(b) **Make leadership programmes accessible to all persons, including young people and children with disabilities, and allocate adequate positions for persons with disabilities to ensure their participation in decision-making processes.**

Participation in cultural life, recreation, leisure and sport (art. 30)

59. The Committee is concerned about the following:

(a) The lack of a clear action plan and measures to fully and efficiently implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, since its entry into force for the State party in 2020;

(b) The absence of measures to promote cultural diversity in society;

(c) The lack of access to leisure services and sports for persons with disabilities.

60. **The Committee recommends that, in close consultation with and with the active involvement of persons with disabilities and their representative organizations, the State party:**

(a) **Adopt national legislation or ensure specific provisions to implement effectively the provisions of Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled;**

(b) **Develop action plans and allocate resources to improve and promote cultural diversity in the society;**

(c) **Ensure access to general recreational, leisure and sporting venues and activities for persons with disabilities, including children with disabilities, on an equal basis with others, and provide them with the assistance and support necessary to achieve this objective.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

61. The committee is concerned about the following:

(a) That the existing disaggregated data about persons with disabilities, in particular within the minority groups, employment, social protection and education, is not reliable and that there are gaps in data in published reports due to lack of accurate and credible data collection system;

(b) The fact that disability-related questions were not included in national census of 2019;

(c) The inaccuracies in several thematic statistical assessments regarding the disability features because of the widespread use of the medical model in identifying persons with disabilities;

(d) The insufficiency of measures in place to ensure and secure the confidentiality of the personal data of persons with disabilities.

62. **The Committee recommends that the State party:**

(a) **Establish a reliable and transparent national data collection system on disability and use disaggregated data effectively in the disability planning process;**

(b) **Incorporate the Washington Group short set of questions on functioning in the public census and the thematic assessments, in particular in the health, family, education and employment sectors;**

(c) **Use holistic standards based on the human rights model of disability in identifying persons with disabilities;**

(d) **Develop effective legal and practical measures to ensure the confidentiality of the personal data of and information about persons with disabilities and their families.**

International cooperation (art. 32)

63. The Committee is concerned about the following:

(a) The ambiguity in the measures used to prioritize the themes in international cooperation programmes and the disregard for making these programmes disability-inclusive;

(b) The lack of consultation with persons with disabilities and their representative organizations in identifying the priorities in the international cooperation programmes and excluding them from the implementation and the monitoring processes.

64. **The Committee recommends that, in close consultation with and with the active involvement of persons with disabilities and their representative organizations, the State party:**

(a) **Develop comprehensive measures to ensure that international cooperation programmes are inclusive for all, in particular for persons with disabilities;**

(b) **Effectively engage persons with disabilities and their representative organizations, including women with disabilities in the design, implementation and monitoring processes for international cooperation programmes.**

National implementation and monitoring (art. 33)

65. The Committee is concerned that there is no independent mechanism to monitor implementation of the Convention in the State party.

66. **The Committee recommends that the State party designate an independent mechanism for monitoring the Convention, in accordance with article 33 of the Convention and the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and that it allocate material and human resources in sufficient quality and quantity for the mechanism to carry out its functions, involving organizations of persons with disabilities in the pursuit of its mandate.**

IV. Follow-up

Dissemination of information

67. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraph 8, on general principles and obligations, paragraph 38, on living independently and being included in the community, and paragraph 48, on education.

68. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and the parliament, officials in relevant ministries, the judiciary and members of relevant professional groups, such as education, medical and legal

professionals, as well as to local authorities and the media, using modern social communication strategies.

69. The Committee requests the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its next periodic report.

70. The Committee requests that the State party disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

Next report

71. Under the simplified reporting procedure, the Committee will transmit to the State party a list of issues prior to reporting at least one year prior to 29 December 2030, the date by which the State party's combined second to fourth periodic reports are due. The replies of the State party to that list of issues prior to reporting will constitute its combined second to fourth periodic reports. The State party may opt out of the simplified reporting procedure within one year of the Committee's adoption of the present concluding observations.
