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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum

BELARUS

[12 February 1993]

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INITIAL REPORT OF THE REPUBLIC OF BELARUS  
ON THE IMPLEMENTATION OF THE CONVENTION  
ON THE RIGHTS OF THE CHILD

Introduction

1. The Republic of Belarus is situated in the central part of Europe and borders on Lithuania, Latvia, Russia, Ukraine and Poland. It covers an area of 207,600 sq km and is divided into six regions (oblast). Its capital is Minsk.
2. In the early twentieth century, Belarus, which had been part of the Russian Empire, enjoyed a brief period of independence. This lasted from 1 January 1919 until 30 December 1922, after which Belarus became Republic of the Soviet Union.
3. A crucial political and economic event in the country's history was the adoption on 25 August 1991 of the Act conferring the status of constitutional law on the Declaration by the Byelorussian Supreme Council of State Sovereignty of the Byelorussian Soviet Socialist Republic and of the Ordinance on safeguarding the political and economic independence of the Byelorussian SSR. In December 1991 the Agreement establishing the Commonwealth of Independent States was signed, the 1922 treaty on the establishment of the Union of Soviet Socialist Republics was denounced, and the Constitution of the USSR was declared null and void in the territory of Belarus.
4. The current population of Belarus is 10,280,800. Of this number 4,827,900 (49.9 per cent) are men and 5,452,900 (53.1 per cent) are women. The urban population is 6,952,100, and the rural population 3,328,700.
5. Overall, the mean lifespan is 70.7 years (65.5 years for men and 75.5 years for women). In the urban population, mean lifespan is 71.3 years (66.5 years for men, 75.7 years for women); among the rural population it is 68.7 years (63.2 years for men, 74.7 years for women). Speakers of the mother tongue comprise 77.7 per cent of the total population. The composition of the population by nationality is as follows: Belarusians - 1,151,800; Russians - 342,000; Ukrainians - 291,000; Poles - 417,700. Other nationalities are also represented.
6. The basic indicators of social and economic development for the Republic are as follows: gross national product at current prices amounted to 30 billion roubles in 1985, 40.4 billion roubles in 1990, and 71.8 billion roubles in 1991. Growth by comparison with 1985 was 124 per cent in 1990 and 122 per cent in 1991.
7. The weakening, and in some cases breakdown, of the economic relationships which characterized the industrial and intersectoral specialization and cooperation in the economy of the former Soviet Union, have been detrimental to the overall economic and social situation in Belarus and are making the current transitional period more difficult for the Republic. According to the State Committee for Statistics (GOSKOMSTAT), between January and September 1992 national income fell by 15 per cent; manufacturing output fell

by 785 enterprises (58.1 per cent of the total number); meat production fell by 135,200 tonnes (23.2 per cent), butter production by 30,100 tonnes (27.8 per cent) and production of whole milk products by 134,800 tonnes (10.7 per cent). The only production rises concerned cereals (+ 665,000 tonnes) and, consequently, bread and bakery products (+ 13,000 tonnes or 1.3 per cent).

8. Over the same nine months in 1992, personal monetary income rose by a factor of 6.5 compared to the period from January to September 1991. Average monthly pay for industrial and white collar workers was 3,373 roubles. Retail prices for consumer goods and services rose by a factor of 9.3.

9. The deterioration in the economic situation in Belarus and the fall in living standards have had undesirable social consequences, including a worsening in the country's demographic trends.

10. In 1991, the number of births (135,000) was 29,900 fewer than in 1985. Births during the first nine months of 1992 were 7,500 fewer than during the same period of 1991. The mortality rate per thousand children below the age of 15 was 10.6 in 1985, 10.7 in 1990 and 11.2 in 1991. The infant mortality rate (deaths before the first birthday per 1,000 live births) was 14.5 (number of deaths 2,439) in 1985, 11.9 (1,732) in 1990, and 12.1 (1,616) in 1991. In 1991 the population of the Republic grew by 0.2 per cent, while the urban and rural populations grew by 0.1 and 0.15 per cent respectively.

11. A major factor in the deterioration in the health of the population has been the accident at the Chernobyl nuclear power station, the worst effects of which were felt in the territory of Belarus.

12. In contaminated areas, there has been an increase in anaemia among expectant mothers and in the number of premature births. In Mogilev region, for example, the incidence of perinatal anaemia was 9.4 per cent, a figure five times higher than before the accident. Children have still not been evacuated from the danger zone. According to GOSKOMSTAT, there are 485,900 children below the age of 14, and 129,200 young people above the age of 14, living in the contaminated areas.

13. Studies of the health of children living in the contaminated areas have shown a significant increase in the incidence of diseases affecting the ear, nose and throat, bile ducts and digestive organs (between 40 and 80 per cent above the incidence in unaffected areas). There has also been an increase in chronic diseases of the haematopoietic and lymphatic systems. Between 40 and 60 per cent of schoolchildren exposed to radiation show signs of cardiovascular dysfunction. The number of children born with congenital deformities has increased by between 15 and 20 per cent in the contaminated areas. Congenital anomalies account for 20 per cent of child mortality. The increase in the incidence of thyroid disorders has been particularly marked, and exceeds the maximum levels noted elsewhere in the world.

14. Apart from physical health problems, the moral and mental health of children is a major problem facing Belarus in the changed economic and social conditions. The number of offences committed by minors is increasing. During a seven-month period in 1992, 4,373 offences were committed by minors, which

marks a 19 per cent increase over the same period of 1991. The nature of prostitution is also changing, and there are now 45 registered under-age prostitutes. The growing wave of drug and toxic substance abuse, which affects principally young people, is a serious threat.

15. The level of criminality among minors is being affected by phenomena that are new to Belarus. The number of young people who are neither undergoing education nor in employment is rising at a disastrous rate, and this problem is compounded by the lack of structured leisure activities and the fall in living standards.

16. At the beginning of October 1992, 14,900 persons were registered with the Employment Centre as unemployed and 12,600 people were receiving unemployment benefits. To date during 1992, 3,600 secondary school leavers have asked for assistance in finding employment. Of that number, 1,700 have been found employment and 110 have been registered as unemployed.

17. The rights and freedoms of citizens of Belarus and of foreigners and stateless persons are guaranteed by the Constitution (the Basic Law, December 1978), by the Declaration of State Sovereignty of the Republic of Belarus (August 1991) and by other legislative instruments. The standards which these documents put into effect correspond to the provisions of the Universal Declaration of Human Rights and international treaties. Under Belarusian law all citizens, irrespective of national or social origin, sex, language, political or other convictions, religion, place of residence, property status or other circumstances, are equally entitled to protection of their rights and freedoms. Judicial protection of rights and freedoms is guaranteed, so that any citizen who believes that his rights have been infringed is entitled to seek redress in the courts.

18. Special protection is provided for the victims of political repression from the 1920s to the 1980s. The Supreme Council of the Republic has approved regulations on the restoration of these persons' rights (December 1990), procedures have been established for the rehabilitation of the victims of political repression (June 1991), and a Commission has been created under the Supreme Council to assist in securing the rights and perpetuating the memory of the victims of political repression from the 1920s to the 1980s (November 1991).

19. However, it must be admitted that no definitive mechanism for monitoring the implementation of human rights has yet been devised or embodied in law in Belarus. Prevailing legislative practice is such that the provisions of international human rights instruments are not incorporated directly in domestic law. We need to convert the relevant provisions of international law into domestic law or to adopt rules that refer back to international instruments.

20. This also applies to the Convention on the Rights of the Child. Efforts are under way to incorporate its provisions in Belarusian law through new legislative instruments, including the Rights of the Child Act. This text reflects the provisions of the Convention and is an affirmation by the Republic of Belarus, which suffered incalculable human losses during the Second World War and now faces the problem of conserving the nation's gene

pool in the wake of the Chernobyl accident, that its most important political, social and economic objective is to provide comprehensive protection for the children, families and mothers of this and future generations.

#### I. GENERAL MEASURES OF IMPLEMENTATION

21. On 28 July 1990, the Convention on the Rights of the Child was ratified by the Supreme Council of Belarus, and this has necessitated the adoption of a number of measures aimed at establishing the legal machinery for implementing the provisions of the Convention. These measures include the enactment of new legislation, the amendment of existing legislation, and the drafting of normative and legal documents governing the activities of State bodies responsible for protecting the rights and interests of children.

22. Among the new laws already in force which are directly relevant to children are: the Education Act (October 1991), the Act on General Principles of State Youth Policy (April 1992) and the Act on State Allowances for Families bringing up Children (October 1992). Matters relevant to children are also dealt with in other laws, including the Act on the Social Protection of Invalids (November 1991), the Citizenship Act (October 1991), the Culture Act (June 1991), the Universal Military Duty and Military Service Act (October 1992), the Code on Marriage and the Family (June 1969), the Labour Code (June 1972), the Housing Code (December 1983), the Criminal Code (December 1960), the Code of Criminal Procedure (December 1960), the Correctional-labour Code (June 1971) and the Civil Code (June 1964).

23. In addition, in November 1992 the Parliament of Belarus passed the Rights of the Child Act at its first reading. Article 2 of this Act is entitled "Legislation on the rights of the child" and provides that the Act is, "after the Constitution of the Republic of Belarus, the basis of other legislation relating to the rights and interests of children". The adoption of the Act will require amendments to existing legislation (the Code on Marriage and the Family, the Labour Code, Civil Code, Criminal Code, Code of Criminal Procedure, Housing Code, and so on). Lastly, a review is planned for the near future of legislative and normative documents that either amplify particular provisions of the Rights of the Child Act or are of importance in their own right.

24. At the local level, the rights and interests of children are protected by the guardianship and curatorship bodies under district, municipal and regional executive committees of the Councils of People's Deputies, and by the Procurator's Office and the courts. At the national level, the State's efforts to protect children's interests are coordinated by the Belarusian Supreme Council's standing Commission for Family and Youth Affairs. The Rights of the Child Act includes specific provisions on the creation of a system for protecting children's interests. For example, article 4, "Bodies responsible for protecting the rights and interests of the child", states that "the rights of the child shall be protected by bodies set up for this purpose within the framework of State power and by the Procurator's Office and courts". It also emphasizes, fully in line with the terms of the Convention, that these agencies shall be guided in their actions by the "overriding need to protect the interests of the child". Article 36, "Monitoring application of the Act", places responsibility for coordinating the efforts of State and

public organizations in defence of the rights and interests of the child on the Ministry of Education of Belarus.

25. In order to acquaint the public more fully with its principles and provisions, the Convention on the Rights of the Child has been published in the periodicals Vospitanie Shkolnikov (1990, No. 5), Sovetskaya Pedagogika (1991, No. 10), Adukatsiya i vykhavanne (1992, Nos. 6-8) and Praleska (1991, Nos. 2-3).

26. A conference, "The rights of the child: legislation and practice", which took place on 9 and 10 October 1991 in Minsk, was given over to a discussion of the possible ways in which the Convention could be put into effect. The conference was the initiative of the United Nations Association of Belarus, the Belarusian Children's Fund, the Peace Fund and other public organizations. During the conference, a paper on "The International Convention on the Rights of the Child" was presented by Mr. Adam Lopatka, chairman of the working group on the draft convention.

27. Measures have also been taken to implement article 44 of the Convention, paragraph 6 of which states that States parties must make their national reports to the United Nations widely available to their own public. To comply with this requirement, information on the work involved in drafting the initial report and on access to the text for those who want it has been published in the periodical Adukatsiya i vykhavanne (1992, No. 9). It is also planned to publish the report itself in the periodical press.

## II. DEFINITION OF THE CHILD

28. A specific definition of the child as an independent subject with a clear legal status is given in article 1, "Limits of applicability" of the Rights of the Child Act, which states that the child is a person "from the moment of birth until 18 years of age". Article II of the Civil Code of the Republic of Belarus defines the age of majority: citizens acquire full legal capacity at 18 years of age. Article 1 of the Rights of the Child Act further stipulates that a child's rights and obligations are governed by his or her age, i.e. within this period of life there are distinct stages entailing more or less rights and corresponding duties for children in the various spheres of public life.

29. The minimum age for marriage is set by article 16 of the Code on Marriage and the Family at 18 years, the same as for conscription (art. 29, "Prohibition of the participation of children in hostilities", of the Rights of the Child Act and art. 14 of the Universal Military Duty and Military Service Act). There is, however, an additional stipulation in article 14 (4) of the Civil Code that citizens contracting a marriage before reaching 18 years of age acquire full legal capacity from the time of the marriage.

30. Juveniles aged between 15 and 18 years are entitled, without their parents' consent, to engage independently in small everyday transactions, to dispose of their own earnings or grants and to copyright their works and inventions, rationalization proposals and industrial prototypes (art. 14 of the Civil Code of the Republic of Belarus).

31. Under the driver registration, testing and licensing regulations (January 1987), persons over 16 years of age are permitted to drive vehicles of category "A" (motorcycles, motor scooters, motorized invalid carriages and other motor-driven vehicles), as well as motor cars (provisional licence, with restrictions).

32. Juveniles must not be employed in heavy labour, under conditions harmful or dangerous to health, in night or overtime work, on rest days or holidays or if the work interferes with the child's basic education (arts. 175 and 177 of the Labour Code and art. 21, "The child and work", of the Rights of the Child Act).

33. The age for basic education (which lasts nine years) is defined in article 16, "General secondary education", of the Education Act of the Republic of Belarus. Article 16 (3) of the Act reads as follows: "Education shall begin from the age of six or, on medical grounds and with the parents' consent, later". In most cases, therefore, a child's basic education is completed at 15 years of age. This fact must be taken into account when deciding whether to admit juveniles to independent employment or increase their civil capability in some other areas of public life, and consequently whether to amend existing legislation.

34. In the Rights of the Child Act, juvenile employment is regulated by paragraph 1 of article 21, "The child and work", which states that the child "may with the consent of the parents or persons acting in loco parentis be admitted to suitable employment, combined with his or her studies, from the age of 12". Admitting 12-year-old adolescents to suitable employment is justified on the basis of physiological and medical data which indicate that the small muscles of the hand are fully formed at this age. This provision of the Act is strongly supported by public opinion: a poll conducted in the former Soviet Union in 1990 by staff of the Child Research Institute of the USSR Academy of Pedagogical Sciences put the optimum age for admission to employment and wage-earning at 12 years.

35. Such unanimity among the respondents can hardly be attributed only to the changing social situation and the introduction of a market economy in our country. Conscious of being part of the international community, the citizens of the Republic of Belarus fully share its concern about the transformation of humankind's ethical values and the degeneration of some young people. Earlier habituation to work is seen essentially as a means of preserving the moral health of the rising generation.

### III. GENERAL PRINCIPLES

36. In Belarus, the main legal instruments reflecting the State's position on non-discrimination against children and the child's rights to life, survival and development and respect for his or her views are the Constitution (April 1978), the Citizenship Act, the Act on the General Principles of State Youth Policy and the Rights of the Child Act. The rights of the child enumerated above are incorporated in the following articles and legislative provisions.

37. The equality of all citizens of the Republic of Belarus is proclaimed in articles 32 to 34 of the Constitution; non-discrimination against children is the subject of article 5, "Equal rights of children", of the Rights of the Child Act, which states that "all children have equal rights irrespective of origin, race or nationality, social or property status, sex, language, education, attitude to religion, place of residence, state of health or other circumstances relating to the child and his or her parents".

38. The principle of the best interests of the child is enshrined in the aforementioned article 4 of the Rights of the Child Act, which in addition requires the State to support the activities of the various social organizations, associations and funds helping to protect children's rights and interests.

39. In full accordance with the Convention, article 6, "Right to life and protection of health", of the Rights of the Child Act states that every child has the "inalienable right to life and to health protection and improvement". This provision is further developed in article 8, "Right to an adequate standard of living". Paragraph 2 of this article provides that "the State and its organs shall take social and economic measures to create ... [the] conditions" already defined as being "necessary for ... full physical, mental and spiritual development".

40. Concerning respect for the views of the child, this provision does not seem specific enough to be applied through legislative or regulatory instruments. An exception is the situation in which one of the parents has to be chosen for the child to live with (art. 12, "Right to live in a family", of the Rights of the Child Act), where the child's views are taken into consideration from the age of six years.

#### IV. CIVIL RIGHTS AND FREEDOMS

41. The civil rights and freedoms of children in the Republic of Belarus are guaranteed by a number of legislative and regulatory instruments, including the Constitution, the Citizenship Act, the Act on the General Principles of State Youth Policy, the Rights of the Child Act and the Civil Code, as well as the Decree of the Presidium of the Supreme Soviet of the Republic (August 1988) entitled "Statute on the procedure for the organization and conduct of meetings, rallies, street processions and demonstrations" and the Order of the Council of Ministers of the Republic of Belarus (May 1991) entitled "Temporary statute on the procedure for education and activities of social organizations of citizens of the Byelorussian SSR".

42. The right of the child to citizenship is incorporated in article 7 of the Rights of the Child Act. For registration of citizenship to be possible, the child must have been given a name and its nationality must be indicated. The article also stipulates that the grounds and procedure for a child's acquisition or change of citizenship are determined by the Citizenship Act of the Republic of Belarus (art. 8, "Grounds for acquisition of citizenship of the Republic of Belarus", and arts. 22-28 (4), "Special cases of change, conservation or loss of citizenship").

43. The child's right to freedom of expression and access to information appropriate to his or her age is reflected in article 10 of the Rights of the Child Act, which also places limitations on the freedom to express one's opinions if this is prejudicial to the honour and dignity of other members of society.

44. Freedom of conscience and religion is guaranteed by articles 10 and 20 of the Rights of the Child Act. The latter article sets out the position of the Republic of Belarus concerning freedom of religion as follows:

"While having proclaimed the secular nature of education, the State may not, except when inducement to perform religious acts directly threatens the child's life or health or infringes his or her legal rights, interfere with the upbringing of a child on the basis of the particular religious views of the parents or persons acting in loco parentis and connected with the observance, outside educational institutions and [...] with the child's participation, of religious ceremonies, holidays or traditions".

45. The right to freedom of association and peaceful assembly is reflected in article 23 of the Rights of the Child Act which is entitled "Right to join social organizations". This article states:

"Children have the right to join independent children's organizations provided that the activities of such organizations do not contravene the Constitution and other laws of the Republic of Belarus, violate public order or State security, harm public health or morals or infringe the rights and freedoms of others. Children's organizations shall not engage in political activities.

"The State shall provide children's organizations with material and other assistance and preferential tax arrangements".

46. In addition, the legal status of youth organizations and associations is governed by articles 17, 18 and 19 of the Act on the General Principles of State Youth Policy in the Republic of Belarus. These articles define youth organizations - which may set up unions and associations - and also enumerate the rights and safeguards relating to their activities and specify the basis for interaction between the State and youth associations.

47. Article 17, "Youth associations", provides that "young citizens may neither be compelled directly or indirectly to join youth associations nor barred from participating in their activities". Article 18, "The State and youth associations", says that "... in order to create the necessary conditions for the functioning of registered youth associations ... the State may provide them with material, financial and organizational support".

48. The right to protection of privacy has not been reflected in the articles of the Rights of the Child Act or in other legislative instruments. In our view, this right is first of all not adequately defined and, secondly, runs counter to the goal of strengthening the role of family upbringing and shifting the emphasis from social to family upbringing. Thus, the inviolability of the family and home may be considered rather as rights

belonging to the parents or persons acting in loco parentis. Privacy of the child's correspondence can hardly be guaranteed by law, since that would mean interfering in the relationship between parents and children and limiting adults' formative influence and authority.

49. The right to protection against torture and other cruel, inhuman or degrading treatment or punishment is incorporated in articles 9, 24, 31 and 32 of the Rights of the Child Act. Article 9, "Right to inviolability of the person and to protection against physical and mental violence" says:

"The State shall preserve the inviolability of the child's person and afford protection against all forms of exploitation, physical or mental violence, cruel, harsh or negligent treatment, sexual exploitation or sexual perversion, including on the part of parents, persons acting in loco parentis or relatives, inducement to crime or habitual consumption of alcohol, illicit use of narcotic drugs or psychotropic substances or compulsion to engage in prostitution, begging or gambling".

50. Article 24, "Right to protection of honour and dignity", is intended to prevent degrading treatment of children in educational or training institutions. The article states that discipline and order in such institutions "shall be maintained by means based on a spirit of mutual respect and fairness and excluding degrading treatment of pupils".

51. Article 31, "Protection of the child's rights in the event of his or her criminal prosecution", states: "It is not permitted to use violence, threats or other unlawful acts against juveniles ...".

52. Article 32 "Protection of the child's rights in special educational institutions", lays down "the right to humane treatment, protection of health, provision of basic education and vocational training, meetings with parents, relatives and other persons, leave and correspondence".

#### V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

53. As of January 1992, there were 2,594,300 children in the Republic of Belarus, of whom:

454,800 were aged 0-2 years;

485,000 were aged 3-5 years;

964,200 were aged 6-12 years;

690,300 were aged 13-18 years.

54. A priority in State policy is to strengthen the institution of the family, increase its responsibility for the upbringing of children and establish legal machinery for the realization of these goals by State bodies and social organizations. This should be facilitated by article 11 of the Rights of the Child Act, the Act on State Allowances for Families bringing up Children and the articles of the Marriage and Family Code, which is now in final drafting.

55. Article 12 of the Rights of the Child Act, entitled "Right to live in a family", provides legal safeguards of the right of every child "to know both his or her parents, the right to their care and to live with them, except in cases where separation from one or both parents is necessary in the child's interests".

56. Article 14 of the Rights of the Child Act makes parents or persons acting in loco parentis responsible for the child and for providing the necessary conditions for his or her upbringing, full development, education, health and preparation for independent life within the family and society, as well as for infringement of the law by their children. The article provides that "violation of the rights or infringement of the lawful interests of a child by his or her parents or persons having custody of the child is an offence under the law of the Republic of Belarus".

57. Economic measures are also planned to help realize the child's right to live in a family. The article states that "when a child is placed in a children's boarding institution, foster home, family-type children's home or other State-supported educational institution, the parents shall defray the costs of the child's upkeep in accordance with the procedure defined by the Council of Ministers of the Republic of Belarus".

58. Article 13 of the Rights of the Child Act guarantees the right of a child living separately from one or both parents in the Republic of Belarus or in another country to have contacts with the parents if they are not detrimental to his or her upbringing or life. At the same time, the State takes every step to reunite the child with his or her family.

59. For the full support and upbringing of children, article 17, "State protection of the family", of the Rights of the Child Act and the Act on State Allowances for Families bringing up Children provide for the State to assist the family, to pay allowances on the birth of a child and for his or her upkeep until a specified age and to furnish other types of allowances and benefits.

60. The preamble to the Rights of the Child Act, together with article 25 of the Act, guarantees special care and social protection for children temporarily or permanently deprived of their family environment.

61. In January 1992 there were 12,700 orphans and children left without parental care in the Republic of Belarus, of whom 6,700 were being raised in children's homes and boarding schools. The State is pursuing a deliberate policy of placing such children with families. Article 25 of the Rights of the Child Act provides that "... State child-welfare authorities shall take all possible measures to ensure that a child left without parental care is placed in an adoptive family, in a foster home or in a family-type children's home". Provisions concerning fosterage and family-type children's homes have been drafted. In February 1991 the Supreme Council of the Republic of Belarus passed a decree defining the material support to be provided for children being brought up in a family after being deprived of parental care.

62. In addition, article 25 states that "when such a child cannot be placed in a family in the Republic of Belarus, citizens of another country may adopt the child or be given or take over custody (guardianship) of the child in his or her interests. In such cases, the child shall retain the right to citizenship, property, housing and material support from the State ...". The same article provides that "in the interests of the child, his or her health and accommodation in the family of the adoptive parents, custodians (guardians) or substitute parents in a family-type children's home shall be evaluated in a strictly confidential manner by the State child-welfare authorities".

63. Adoption was arranged for 397 children in 1990 and 444 children in 1991 in the Republic of Belarus, with 2 children going to other countries in 1991 and 66 in 1992.

64. If orphans or children deprived of parental care cannot be transferred to a family, the State takes steps to enable children's boarding institutions to provide the necessary conditions, similar to those in a family environment, to ensure the full physical, intellectual and spiritual development of the children concerned and to preserve their native language, culture, national customs and traditions. This action is the subject of article 26, "Support and upbringing of children in children's boarding institutions", of the Rights of the Child Act, which also provides that "teachers and other staff of children's homes, boarding schools and other boarding institutions who commit anti-pedagogical or immoral acts against pupils are liable to dismissal from these institutions ...".

65. Article 33, "Protection of the child against forcible transfer", of the Rights of the Child Act guarantees the adoption of measures by the State "to combat the illicit transfer and non-return of children abroad, to prevent the abduction, trade or trafficking of children, for any purpose and in any form, in accordance with current legislation and the rules of international law". In this connection, amendments are being made to the Criminal Code of the Republic of Belarus.

#### VI. BASIC HEALTH AND WELFARE

66. In the Republic of Belarus, the survival, healthy development and welfare of the child are guaranteed by a system of legislation, including article 6 of the Rights of the Child Act, which deals with the right to life and health care. In accordance with this article on the child's right to life, health care and promotion, the State assumes the obligation to provide the appropriate conditions for antenatal and post-natal care of mothers, the healthy development of the child and sound and safe nutrition, and to implement a programme of free, professional medical care, disease prevention and dissemination of information on healthy living.

67. The Act on State Allowances for Families bringing up Children is called upon to play a large part in providing the necessary conditions for the full development of the child. The Act defines every type of State benefit that can be claimed during pregnancy and delivery in connection with the birth of a

child, for child care for infants, for children of pre-school, junior, middle and secondary school age and for the care of sick children. Additional benefits exist for single mothers, disabled children, orphans, the children of personnel engaged in compulsory military service, etc.

68. A number of resolutions, programmes and projects have also been adopted by the Republic of Belarus with the aim of improving health care for children and establishing the right to prompt and accessible medical care:

(a) Decision of the Supreme Council of the Republic of Belarus on additional measures to improve the protection of mothers and children in the Republic of Belarus (February 1991). Under this decision:

- (i) The entitlement to part-paid leave to look after a child was extended until the child reaches three years of age;
- (ii) The right to take this leave in full or in parts was extended to the mother or any relative who looks after the child;
- (iii) A nationwide programme for baby food production between 1991 and 1995 was adopted;
- (iv) A one-time incentive payment was introduced for women registering at an antenatal clinic before the twelfth week of pregnancy, equal to 50 per cent of the benefit payable on the birth of the child;
- (v) A procedure was established for providing women giving birth to twins with free layettes containing essential items for both babies;

(b) In 1989 the Ministry of Health introduced an all-round scientific and practical programme to improve health care for mothers and children and to reduce infant mortality by 1995;

(c) In 1991 the Supreme Council of the Republic of Belarus adopted a national programme for the prevention of genetic disorders arising as a result of the accident at the Chernobyl nuclear power station and an all-round programme for the protection of mothers and children from the effects of the disaster at the Chernobyl power station over the period 1991-1995.

69. The implementation of these programmes will enable children and future mothers to recover functions after loss and make it possible to achieve a 25 per cent decrease in the number of children born with congenital malformations, a 55-60 per cent decrease in the number of deaths resulting from congenital malformations and hereditary diseases and a 45-50 per cent drop in the level of associated child disability.

70. The Republic of Belarus recognizes the right to special care and social protection of children living in unfavourable conditions or in extreme circumstances. Children suffering from deficiencies in their mental and physical development are considered to fall in this category.

71. Article 27 of the Rights of the Child Act, concerning the rights of children suffering from deficiencies in their physical and mental development, states that the Government shall guarantee such children specialized medical and psychological treatment and specialized care for the handicapped free of charge, elementary and vocational education, placement in work commensurate with their capabilities, insertion into society and a full life in conditions which guarantee their dignity and promote their active participation in the life of society. The Government is also required to introduce a combination of medical, legal and socio-economic measures to curb the growth in the numbers of such children.

72. On 1 January 1992 there were 12,400 registered disabled children aged up to 16 in Belarus, or 0.4 per cent of the child population. Of these, 2,300 were at residential children's homes. There are nine institutions in the country, seven for the mentally retarded (with 2,145 places) and two for physically handicapped children (with 450 places). Sixty-two children are on a waiting list for places in the schools for the mentally retarded. Demand for places in institutions for physically handicapped children has been fully met; 347 of the 450 places have been taken up.

73. On 1 January 1992, a law on social protection of the disabled in the Republic of Belarus was introduced, giving disabled children a 90 per cent reduction in the cost of medicines, the right to priority service in out-patient clinics and pharmacies and preferential consideration for treatment in holiday sanatoriums (art. 15). Scope for education and vocational training is also offered by the possibility of learning at home, with individual study plans being tailored to the individual's programme for insertion (art. 16).

74. Pre-school education for the disabled is ensured both by making the necessary provision for it in ordinary pre-school institutions, and by creating special pre-school institutions. In the case of a child being educated at home, one of the parents, or a person acting as the parent, receives material assistance and privileges. Time off to care for such a child is counted as part of the total length of service (art. 18).

75. Provision is made for access to non-school education (art. 19), and for priority in enrolling in higher and specialized secondary educational establishments for those successfully taking entrance examinations, ceteris paribus (art. 20). Disabled children living permanently in hospital are guaranteed that there will be no breaks in their upbringing and education (art. 21). Under this law children receive tuition in interpersonal communication skills (art. 23), and disabled children living permanently in hospital who are orphans or deprived of parental care are automatically housed on reaching the age of majority without the need to join a housing queue (art. 47). Access to transport services is available at reduced prices (art. 42).

76. In addition, a decision of the Council of Ministers on measures to improve the work of special educational institutions for children and adolescents suffering from deficiencies in their mental and physical development (May 1991) and the "Abnormal children" programme, drawn up by the Ministries of Education, Health and Social Security, have been adopted in the

Republic of Belarus. This programme aims to develop medical, psychological and educational services for children suffering from deficiencies in their mental and physical development and to set up national and regional rehabilitation centres for children suffering from damage to their locomotor system and central nervous system.

77. Health care for children in the Republic is provided in 981 children's polyclinics and in children's hospitals, which have a total of 16,700 beds and employ 4,700 paediatricians. There are 4,800 beds available for children requiring treatment in holiday sanatoriums (20.5 beds for every 10,000 children in the population). Three sanatoriums with a total of 640 beds, destined for victims of the accident at the Chernobyl nuclear power station, accompanied by their parents, have been in operation since 1990.

78. In 1988, an artificial limb and orthopaedic hospital for children suffering from damage to their locomotor system was opened as part of the Belarus Artificial Limb and Orthopaedic Rehabilitation Centre. It has a polyclinic which can cater for 300 out-patient appointments per session and 80 in-patients. All disabled children receive prosthetic and orthopaedic appliances and treatment free of charge, and the travelling expenses of the children and those accompanying them are also reimbursed.

79. An oncological and oncohaematological centre for children is also in operation. Specialist medical treatment for children that require it is provided in special hospitals (departments) and clinics.

80. The Convention on the Rights of the Child provides (art. 27, para. 2) that the parents bear responsibility to secure the conditions of living necessary for the child's development. This is reflected in article 14 of the Rights of the Child Act and also in article 80 of the Code on Marriage and the Family, where it is stated that "parents have an obligation to support their minor children".

81. The provision of the Convention concerning assistance, including material assistance, to parents and those in loco parentis is echoed in the Act on State Allowances for Families bringing up Children and in article 17 ("State protection for families") of the Rights of the Child Act.

82. Other means by which the Government aims to provide assistance to parents and others responsible for children include the following decisions of the Council of Ministers of the Republic of Belarus: measures for the social protection of the population in the context of price liberalization (December 1991); further measures for the social protection of the population in connection with the price liberalization (February 1991); regular measures for the social protection of the population and regulation of wages (May 1992); social support for individual categories of citizens in the context of continuing price liberalization (July 1992); social support for the population in connection with the continued increase in the retail prices of goods and services (October 1992); and also the decisions adopted regularly by the State Committee on Labour and Social Protection of the Population and the Ministry of Finance of the Republic of Belarus on levels of State benefits to families bringing up children which takes into account the economic situation in the country.

## VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

83. The Education Act in the Republic of Belarus, the Act on Culture in the Republic of Belarus and the Rights of the Child Act lay down the principles governing the provision of education, including vocational training and guidance, leisure and cultural activities. The rights of children with regard to education, including vocational training and guidance, are incorporated in the nine articles of the Education Act.

84. Article 5 ("The right to education") states that all inhabitants of the Republic of Belarus (including foreign citizens and stateless persons who are in permanent residence in the Republic) have the right to equal access to the education system. These rights are guaranteed through the creation of conditions for the receipt of general and vocational education, the development of State and other educational establishments of various kinds, offering different forms of education, free education in State schools, and so on.

85. In the light of the needs of the family and of society, article 15 on "pre-school upbringing and education" provides for the setting up of crèches, kindergartens and kindergarten/crèches which accept children of pre-school age for short periods, by the day or for 24-hour periods, family-type institutions and various types of boarding institutions.

86. In accordance with article 16 on "general secondary education", children must start school at age 6, or later if considered necessary for medical reasons and with the agreement of the parents. The same article stipulates that in order to cater for the individual needs of pupils and the development of their creative abilities, individual programmes, extra-mural studies and optional subjects shall be introduced, as well as schools (classes) at which particular subjects are more intensively taught, gymnasiums and lycées.

87. General pre-tertiary education - primary (4 years), basic (compulsory) (9 years) and secondary (post compulsory) (11th and 12th years) - is the basic component of a continuous education system, offering each child the opportunity to develop his or her various creative abilities and to acquire the basic skills for mental and physical labour. In the academic year 1991/92, there were 5,075 general day schools in the Republic of Belarus, 1,023 of which were primary schools, 1,347 incomplete secondary schools and 2,705 secondary schools. Of a total of 1,466,000 pupils in these schools, 17,600 were at primary schools, 85,200 at incomplete secondary schools and 1,364,000 at secondary schools.

88. General secondary education offers young people an opportunity to receive vocational training (in vocational and technical colleges, industrial training combines and centres and directly in industry) (art. 18 on vocational and technical education), specialized secondary education (in technical secondary schools, technical colleges and other institutions which train middle-level specialists) (art. 19 on specialized secondary education) and higher education to follow on from general secondary, vocational secondary or specialized secondary education (in universities, academies, institutes and so on) (art. 20 on higher education).

89. In accordance with article 30 of the Education Act dealing with rights and obligations in education, students at State secondary and higher educational establishments have the right to use textbooks, study aids and other literature essential to their education free of charge in State establishments; academic, industrial training, scientific, cultural and sports facilities; food, medical services and State transport at special rates; and awards for success in their studies. Students from other towns are entitled to a place at a boarding school or State rent allowance. In addition, students at higher and specialized secondary establishments who are studying while working full time are entitled to additional paid leave and a shorter working week, while day students studying are entitled to a guaranteed minimum grant with the opportunity of increasing this grant through academic attainment. Young men are granted a deferment in the call-up to service for the entire period of their study.

90. Article 4 of the Education Act in the Republic of Belarus, entitled "The aims of education", lists these aims as follows:

1. To encourage the harmonious development of the individual and the full realization of his or her creative abilities;

2. To shape and strengthen the national awareness of the citizen of the Republic of Belarus, as well as feelings of respect towards other countries and peoples of the world;

3. To ensure proficiency in the State language as the principal means of communication between citizens of the Republic of Belarus;

4. To preserve and enhance the intellectual personality and cultural values of the Belarusian people and of other national communities in the Republic;

5. To shape environmental awareness;

6. To foster respect for family life;

7. To encourage the intellectual aspirations of the individual;

8. To achieve a wise balance between experience and knowledge in the individual;

9. To develop scientific, technical and cultural activity as required by the development of the Republic;

10. To foster conscious respect for democracy as a form of governance and existence which offers every individual the chance to participate in taking the decisions that are intended to improve society;

11. To encourage the establishment of relations of humanity and charity between people;

12. To foster conscious respect for a world order founded on recognition of the political, economic and social rights of all the peoples of the world.

91. The problem of how to introduce children to their national culture and to world culture is reflection in the legislation on education, the rights of the child and culture in the Republic of Belarus. Article 18 of the Rights of the Child Act, on this very topic of introducing children to national and to world culture, not only sets out measures to promote the establishment of State and public institutions to develop children's artistic and scientific abilities, inter alia through the issue of accessible ciné and video films, radio and televisions programmes, children's newspapers, magazines and books, but also decrees a ban on the utilization of the mass media, literature, shows and other forms of entertainment which have traits that are pornographic or glamorize violence or cruelty, offend human dignity or incite illegal actions.

92. The Education Act provides that State bodies, establishments, organizations, enterprises, unions of creative workers and other civic organizations shall contribute to the cultural and aesthetic education and upbringing and the shaping of high moral qualities in the citizens (art. 7, on education, upbringing and culture). In order to shape and better cater for the diverse needs of individual children and adolescents as regards their spiritual and physical improvement and to organize their leisure and rest to complement the opportunities offered in educational institutions, State bodies enterprises, organizations, civic societies and individual citizens are to set up non-school institutions in the fields of culture, aesthetics, natural sciences, technical subjects, sport and other areas (art. 17 on education and upbringing outside school). Such establishments benefit from State support; their activity is coordinated by educational bodies. The Act on Culture in the Republic of Belarus provides for the creation and equipping of non-school institutions in the places where the citizens of the Republic live. To ensure their efficient functioning, article 35 on non-school cultural institutions lays down that State bodies together with local councils must guarantee the allocation (letting) of the premises required and the supply, at State-set prices, of a certain proportion of the resources, materials and technical assistance needed for the functioning of non-school cultural institutions, irrespective of the Government Department in whose jurisdiction they lie.

93. Every child in the Republic of Belarus is entitled to rest and to a choice of activities outside school in accordance with his or her interests and capabilities. Article 22 of the Rights of the Child Act, relating to the right to rest, provides that the State facilitates the setting-up of a wide range of specialized non-school institutions, as well as sports facilities, play areas, stadiums, clubs, camps and other places where children and young people may relax and improve their health. The article also sets out a procedure for the use of cultural, educational, sports and health establishments on special terms. Acts intended to lead to the deterioration of or reductions in the physical infrastructure for the organization of children's leisure activities are prohibited.

94. The Act on Culture in the Republic of Belarus gives children and young people the opportunity to participate in cultural and educational activities and put their free time to full use in a variety of different establishments:

palaces or houses of culture, clubs, culture and leisure parks, cultural centres for the young and so on (art. 31 on "Palaces (houses) of culture, clubs, parks and other cultural and educational institutions").

95. In accordance with article 34 of the Act on Culture in the Republic of Belarus, museums must offer citizens, pupils, students, pupils at professional and technical colleges and specialist secondary schools an opportunity to visit their rooms and view their collections and assets free of charge at least once a week. There are 97 State museums operating in the Republic and more than 1,300 museums run by public initiative (of which 80 per cent are in schools). As part of the "Rebirth" programme, all museums are directing their activities to the rebirth of national history and culture. The years 1991-1992 saw the opening of the unique M. Bogdanovich literary museum in Minsk, the A. Mitskevich museum and estate in Novogrudka, the F. Bogushevich museum and estate in Kushlyany and the Dunin-Martsinkevich museum in Malaya Lyutsina village in the Volozhinsky district. The majority of these museums organize special activities and exhibitions for children. They also run classes and out-of-class activities such as local history groups. Schoolchildren accompany museum employees on ethnographic study trips. In 1991 museums received more than 1 million visitors; around 70 per cent of visitors are children.

96. The Republic of Belarus has a fairly extensive network of non-school establishments. At the beginning of 1992 there were 640 such establishments in operation, 386 of which were set up under the auspices of the Ministry of Education (202 children's creative centres, 40 centres for technical creation, 37 ecology learning centres, 22 centres for tourism and excursions for young people, 31 independent tourist centres, 16 children's parks, 14 children's stadiums, 4 young sailors' clubs and boat clubs for children, and so on). In these non-school establishments there were a total of 20,000 groups occupying 292,300 children (34 per cent of these children were members of art groups, 20 per cent members of technical groups, 13 per cent were in tourism and local history groups, 10 per cent were young naturalists and biologists, 9 per cent in sports groups and 14 per cent others).

97. At the end of 1992, 6 concert halls, 16 drama and 7 puppet theatres were operating in the Republic of Belarus, as well as a children's orchestra run by the Belarusian State Philharmonic Society. The concert halls organize special programmes for children and regular concert series for them. All theatres have a children's repertoire. In recent years children, childhood and youth have become a dominant theme in the theatres of the Republic. Each year over 600,000 children visit puppet theatres and more than 1.5 million visit regular theatres. The Musical Comedy Theatre in Minsk stages 18 free shows a year for handicapped children and 18 free shows for orphans and children deprived of parental care. All the theatres in Belarus regularly take children's shows on tour to rural areas and areas suffering from exposure to radiation as a result of the accident at the Chernobyl nuclear power station. In the radioactive zone nearest to Chernobyl, variety festivals are held under the title "Thank you, folks!".

98. In the Republic of Belarus 83,300 children study in 681 schools - 597 music schools, 25 schools for the plastic arts, 5 dance schools and 54 schools for the arts. Around 8,000 young people are learning about the world

of beauty in 20 secondary schools specializing in art and culture (11 music schools, 1 dance school, 1 school for the plastic arts, 1 cultural academy, 4 schools for the arts, a lycée attached to the Belarusian Academy of Music and a library college). There are 3,100 students at the Minsk Institute of Culture, the Belarus Academy of Music and the Belarus Academy of the Arts.

99. Around 30,000 children, adolescents and young people are involved in cultural activity in 2,700 clubs (groups, ensembles, amateur artistic groups and so on). There are several widely known children's ensembles in Belarus: the dance group "Lyalki" from the Baranovichi Palace of Culture, the folk group "Zhemchuzhinka" from Zhemchuzh village in the Baranovichi district, the "Komariki" song and dance group from Novopolotsk, the group "Lyalechki" from the village of Obukhov in the Grodno district, the "Rovesniki" dance group from the trade union Palace of Culture (Minsk), the "Rostitsa" folk ensemble from Belarusian television, the "Zorachka" song and dance group from the Republic Palace for Children and Young People. Together with their parents and other adults, children acquaint themselves with the popular art of music and song in folk groups which exist in every region and district. Much is being done to introduce children and young people to the age-old traditions of the Belarusian people (through their national language, written records, traditions, literature, folklore, legends, myths, way of life, the history of their native land, research work, protection of nature and historical and cultural monuments, and the restoration and development of national handicrafts, such as weaving, ceramics, wood carving, smithery, wickerwork and so on).

#### VIII. SPECIAL PROTECTION MEASURES

100. These measures are provided for in the Belarus Rights of the Child Act, which contains a special section, section IV, entitled "Children in disadvantaged conditions and situations of emergency", and in articles of the Criminal Code and Code of Criminal Procedures which defend the rights of children who break the law in circumstances where they are exploited by adults.

101. With regard to children in situations of emergency, in particular refugee children and children in armed conflicts who need physical and psychological recovery and social reintegration, article 30 of the Rights of the Child Act provides that

"refugee children who have been deprived of their homes and personal property as a result of warfare or armed conflict on national or other territory are entitled to defence of their lawful interests. State child-welfare agencies at the place where the child is shall take measures to find the parents or relatives, shall provide material, medical and other help, and shall if necessary send the child to a children's boarding home, a treatment centre or other educational establishment".

Article 29 of the Act prohibits the obtaining of children's participation in warfare and armed conflict, the establishment of children's military organizations or units and propaganda among children about war and violence.

102. The Republic of Belarus considers it important to protect the rights of children who have suffered as a result of accidents caused by human activity. Thus, the Rights of the Child Act includes article 28 entitled "Rights of children who are victims of natural calamities or accidents or disasters". This article states in particular that in the above-mentioned situations the State shall provide the children "with prompt free assistance, take urgent measures to remove them from the danger zone, take care of reuniting them with their families and provide the necessary medical help, including in other countries. In the event of the loss of their parents, these children shall be afforded the same social protection as any child who has been deprived of parental care".

103. With regard to children who have committed criminal offences, the Rights of the Child Act is oriented towards allowance for their age, their return to a normal life and the performance of socially useful activity, and the development in them of a sense of dignity and respect for people. Article 31, "Protection of the rights of the child in the event of his or her being called to legal account" provides that detention, arrest and pre-trial detention may only be applied to children as extreme measures and in cases provided by law. The article further provides that immediate notification of a child's detention must be given to his or her parents or the persons who are responsible for his upbringing and to the Office of the Public Prosecutor. It is forbidden to detain a child in the same room as detained adults, persons under arrest or convicted persons. Article 31 provides that, when criminal proceedings are instituted against minors, the participation of a lawyer and child specialist (psychologist) in both the enquiries and the preliminary investigations is mandatory and the cases must be heard by specialized courts. The use of force, threats or other unlawful acts against minors in order to compel them to give evidence as witnesses or confess their guilt is prohibited.

104. Article 32 of the Rights of the Child Act guarantees the protection of the rights of children in special educational establishments, to which they may only be sent by a court acting on a report from the juvenile affairs agency of the local Council of People's Deputies. This article also explains that "the essential aim of placing juveniles in special educational establishments shall be to re-educate the children and restore them to normal conditions of life and work".

105. In accordance with the current legislation of the Republic of Belarus, criminal responsibility commences at the age of 16 years. Criminal responsibility may only commence earlier, at the age of 14, when a particularly serious crime has been committed: attempted murder of a militia officer in the execution of his duty; rape; deliberate acts which may cause a train crash; robbery with violence, robbery or threat of violence, whether or not endangering human life; theft of weapons, ammunition or narcotic substances; and some other offences.

106. If a court finds that the correction of a person who committed an offence before attaining the age of 18 years does not pose a serious risk to the public, it may sentence that person to compulsory measures of an educational nature not constituting a criminal penalty. Such measures are:

(a) Ordering a public or other form of apology to the victim;

(b) When the amount of the damage done does not exceed 50 roubles, ordering a minor over the age of 15 years who has an independent wage to pay compensation, or ordering the minor to repair material damage by his or her own labour;

(c) Placing the minor under strict supervision of his or her parents or the persons acting in loco parentis;

(d) Placing the minor under the responsibility or supervision of a labour collective or social organization;

(e) Placing the minor in a special educational establishment (arts. 10 and 60 of the Belarusian Criminal Code).

107. Articles 205, 205 (2) and 219 (4) of the Criminal Code fix the responsibility for involvement of minors in criminal activity, drunkenness, begging, prostitution, gambling, and the use of minors to support a parasitic existence. Responsibility is also fixed for persuading minors to use narcotic substances (arts. 205, 205 (2) and 219 (4)).

108. Under the Criminal Code minors may not be sentenced to death (art. 22 (2)), exiled (art. 25) or banished (art. 26). When, on the opening of criminal proceedings, there are grounds for supposing that the accused, if left at liberty, will evade investigation or trial, impede the establishment of the truth or engage in criminal activity, the investigator, prosecutor and the court have the right to impose one of the following preventive measures on the accused: a written undertaking not to abscond; personal surety or surety by a social organization or labour collective; detention in custody; placement under the supervision of parents, guardians or curators, or, for pupils in children's establishments, placement under the supervision of the administration (art. 84 of the Code of Criminal Procedure).

109. In cases involving minors, the preliminary investigation must determine the standards of living and upbringing, and the causes and conditions that contributed to the minor's commission of the crime, and so on. Where there is evidence that the minor is mentally retarded, but for some reason other than mental illness, it must be established whether he or she was fully aware of the significance of his or her acts; for this purpose inquiries are made of the minor's parents, teachers and educators and other persons able to provide the requisite information, essential documents are obtained and other investigations are carried out (art. 151 of the Code of Criminal Procedure).

110. On completion of the preliminary investigation, when the minor is given access to the case file, the accused's legal representative must be allowed to be present.

111. Article 283 of the Code of Criminal Procedure stipulates that representatives of labour collectives and teaching staff shall take part in the court examination of cases involving minors. With the permission of the court, representatives of social organizations may take part in the examination of evidence.

112. Convicted minors serve their sentence in educational-labour colonies (art. 12 of the Correctional-labour Code) separately from adult prisoners (art. 18 of the Code of Criminal Procedures). Security measures, such as the use of straitjackets and weapons, may not be employed against minors (arts. 35 and 36 of the Correctional-labour Code). In addition, under-age prisoners are provided with improved living conditions and better standards of food. By decision of the medical committee, such persons may be permitted to receive additional food parcels (art. 60 of the Correctional-labour Code). They are also permitted to purchase food products and essential articles not only with money earned at the place of detention, but also with money sent to them (art. 24 of the Correctional-labour Code).

113. Minors may also be sentenced to correctional work without deprivation of freedom. Such sentences are served in the offender's place of work or district of residence, taking account of his or her physical capacities and, where possible, special skills (art. 96 of the Correctional-labour Code).

114. On release from a place of detention, minors are returned to their parents or the persons acting in loco parentis. When this is not possible, the commission for minors' affairs in the minor's former place of domicile takes measures to provide him or her with accommodation, employment appropriate to his or her qualifications, and education or training.

115. In exceptional circumstances, when return of the minor to the former place of domicile would be inconsistent with his or her welfare, he or she is settled in the same place as the educational-labour colony (art. 106 of the Correctional-labour Code). Minors who do not have parents are, when necessary, placed in boarding schools or other children's establishments or, in the manner prescribed by law, in the care of a guardian (art. 109 of the Correctional-labour Code). To consolidate the results of the rehabilitation and to prevent the recurrence of offences, counsellors may be appointed for the minors.

116. The Rights of the Child Act also provides for the protection of children against all forms of exploitation. Thus, article 21 concerns the responsibility incurred by adults in the event of economic exploitation:

"Whether it occurs in connection with a household enterprise, a leasing contract or any other form of business activity, the compelling of children to perform work that is dangerous to their health or an obstacle to their acquisition of a basic education shall give rise to the responsibility provided for in the legislation of the Republic of Belarus".

117. Under the Rights of the Child Act, children belonging to national minorities (Jews, Poles, Lithuanians and others) have equal rights regardless "of their origin, race or nationality" (art. 5). In addition, the recently passed National Minorities Act (November 1992) guarantees minorities the right to maintain and develop their own cultures. Thus, article 5 secures "the right to receive help from the Government in the development of national culture and education ... the right to choose any language as the mother tongue and to study and use it ... the right to maintain and observe national traditions".

118. In application of this law, in 240 schools of the Republic children belonging to national minorities study their mother tongue, while in the town of Grodno people of Polish nationality are able to watch television programmes in their mother tongue and televised Polish language lessons are transmitted for them. Plays in Ukrainian and Polish are performed in theatres of the Republic.

119. Thus, the adoption by the Republic of Belarus of the Rights of the Child Act and the Act on State Allowances for Families bringing up Children are evidence of the first steps taken by the country to bring national legislation into line with the international rules and to establish legal machinery for giving effect to the provisions of the Convention on the Rights of the Child.

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