



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### List of issues in relation to the initial report of Belarus\*

#### A. Purpose and general obligations (arts. 1–4)

1. Please provide information on:
  - (a) Measures taken to address serious allegations of intimidation and arbitrary detention of persons with disabilities, including defenders of human rights;
  - (b) The current status of the Bill on the Rights of Persons with Disabilities and Their Social Integration, which was submitted to Parliament in February 2022. Please indicate measures taken to ensure that it is in line with the human rights model of disability enshrined in the Convention;
  - (c) The measures taken to harmonize the State party's legislation, in particular the above-mentioned draft law, with the provisions of the Convention;
  - (d) The domestic application of the Convention in administrative and judicial proceedings, including information on the direct effect of the rights enshrined in the Convention in such proceedings;
  - (e) Steps taken to ensure and promote the effective participation of persons with disabilities through their organizations, including women and children with disabilities, in urban and rural areas, in the design and monitoring of legislation, policies, programmes and regulations relevant to persons with disabilities, including measures taken in the context of the coronavirus disease (COVID-19) pandemic;
  - (f) Any steps taken to ratify the Optional Protocol to the Convention, including a corresponding time frame.

#### B. Specific rights (arts. 5–30)

##### Equality and non-discrimination (art. 5)

2. Please provide information on:
  - (a) The definition of discrimination in national legislation, in particular whether the denial of reasonable accommodation constitutes a form of discrimination, and whether the national legislation encompasses multiple and intersecting forms of discrimination;
  - (b) Measures taken to prevent, investigate and sanction all forms of discrimination against persons with disabilities, in particular persons with intellectual disabilities and persons with psychosocial disabilities, and to ensure effective, accessible and affordable remedies and redress for all persons with disabilities;

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\* Adopted by the pre-sessional working group at its fifteenth session (28 March–1 April 2022).



(c) The protection in national legislation for persons with disabilities outside the context of labour legislation.

#### **Women with disabilities (art. 6)**

3. Please provide more specific information on measures to ensure the advancement and empowerment of women and girls with disabilities, as mentioned in the State party report,<sup>1</sup> on the number and type of beneficiaries of such measures, on the budget allocations, and on the participation in public and political life of women and girls with disabilities through their representative organizations. Please provide further information about measures taken to ensure that all national legislation, policies and action plans, in particular those related to gender issues, mainstream the rights of women and girls with disabilities, about whether they are developed in close consultation with organizations of women and girls with disabilities and whether sufficient budget is allocated to them, and about whether they include training and awareness-raising on the rights of women and girls with disabilities.

#### **Children with disabilities (art. 7)**

4. Please provide updated information on:

(a) The measures in place to ensure respect of the principle of the best interests of the child with disabilities in all national policies, strategies and programmes, and on inter-agency coordination mechanisms;

(b) The measures taken to ensure that children with disabilities have the right and the opportunity to express their views freely and be heard, on an equal basis with others, and on age-appropriate assistance provided to them by the State to realize this right.

#### **Awareness-raising (art. 8)**

5. Please provide information on:

(a) The measures, including public awareness campaigns, strategies and programmes, adopted to raise awareness about the dignity and the rights of persons with disabilities, and to counter negative stereotypes against persons with disabilities, particularly against persons with intellectual disabilities and persons with psychosocial disabilities.

(b) Any existing programmes to promote a positive image of persons with disabilities and their valuable contribution in society, in the media and on social networks;

(c) The measures taken to disseminate the Convention in accessible formats such as Braille, sign language and Easy Read, to the public, in the official languages of the State party, as well as in Polish and Ukrainian.

#### **Accessibility (art. 9)**

6. Please provide updated information on:

(a) The current state of implementation of key policies for the protection of the rights of persons with disabilities, such as the Concept of Universal Design and the Social Protection Programme 2021–2025. Please provide information on the mechanism to ensure compliance with national accessibility standards, including the number and type of accessibility audits performed, their outcomes, and the availability of sanctions for non-compliance;

(b) The measures adopted to make public transport, including transport by air, rail, bus, metro, tram and trolleybus, accessible to persons with disabilities. Please specify the measures taken, by type of transport and impairment;

(c) The availability of any financial aid for improving accessibility in rural and remote areas and economically disadvantaged areas, in line with the policy commitments

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<sup>1</sup> CRPD/C/BLR/1, para. 133.

announced in the National Action Plan for Implementation of the Convention, the Concept of Universal Design and other initiatives;

(d) Practical measures taken at the local level to ensure the availability of accessible housing for persons with disabilities. Please describe the process for applications to obtain accessible housing, including the average time to complete such processes, and the number of persons benefiting from such measures annually;

(e) The accessibility of information and communications technologies and systems, including the Internet and web-based media.

#### **Right to life (art. 10)**

7. Please provide information on:

(a) Measures taken to abolish the death penalty and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, as recommended during the universal periodic review in January 2021;<sup>2</sup>

(b) Whether the imposition or execution of the death penalty for persons with intellectual disabilities or persons with psychosocial disabilities is permissible under national law, and on the number of persons with intellectual or psychosocial disabilities executed annually and currently on death row;

(c) The measures taken to ensure access to pharmaceutical products preventing the death of persons with disabilities.

#### **Situations of risk and humanitarian emergencies (art. 11)**

8. Please provide information on:

(a) Measures taken to put in place policies and plans for disability-inclusive disaster risk reduction and response, in line with the Sendai Framework for Disaster Risk Reduction 2015–2030, as well as on measures taken to provide training for emergency relief personnel on the requirements and the rights of persons with disabilities in emergency situations;

(b) Steps taken to include persons with disabilities in the civil protection action plans;

(c) Measures taken to ensure that the emergency numbers 101 and 112<sup>3</sup> are accessible for all persons with disabilities, and that there is a time frame for this to be put into action.

9. Please provide information on measures taken to set up a humanitarian emergency framework that is sustainable and is specifically designed to ensure the protection of persons with disabilities on an equal basis with others, and specifically in the context of the public health emergency resulting from the COVID-19 pandemic. In particular, please advise about measures taken to provide persons with disabilities with accessible information concerning the scope of the virus and how to prevent it; to ensure continuous access to support and mainstream community services, including in-home care and personal assistance; to provide equal access to health care, including life-saving measures; and to ensure that social benefits are guaranteed at all times. Please also inform the Committee about the mechanisms in place to ensure that persons with disabilities through their representative organisations are closely consulted with and are actively involved in the design and execution of such measures.

#### **Equal recognition before the law (art. 12)**

10. Please provide updated information about:

(a) Measures to establish supported decision-making mechanisms to support persons with disabilities in the exercise of their legal capacity on an equal basis with others;

<sup>2</sup> See [A/HRC/46/5](#).

<sup>3</sup> [CRPD/C/BLR/1](#), para. 249.

(b) Measures taken to amend legislative provisions allowing for the limitation of legal capacity. Please also provide updated information about the current legal practice on a legislative amendment on partial incapacitation that entered into force on 1 August 2020;

(c) Measures taken to revise the national provisions establishing guardianship for persons with disabilities, and substituted decision-making, in particular to prevent young adults with disabilities from having their legal capacity limited upon turning 18 years of age, and to prevent persons with intellectual disabilities and persons with psychosocial disabilities from being stripped of their legal capacity based on their perceived dangerousness to themselves or to others;

(d) Legal procedures available to persons with disabilities to restore their legal capacity against or without the will of the guardian, and about the practical application of article 152 of the Marriage and Family Code on taking into account a person's views in the appointment of their legal guardian;

(e) The number of applications for restoration of legal capacity decided annually, about the rate of their approval, and about the process for such applications;

(f) The number of persons under guardianship nationwide, disaggregated by type of impairment.

### **Access to justice (art. 13)**

11. Please provide information on:

(a) The measures taken to guarantee effective access to justice for persons with disabilities, including free legal aid for persons with disabilities in situations of poverty, or for those in institutions, on an equal basis with others, and provide information about existing procedural and age-appropriate accommodation in the justice system;

(b) The number of persons with disabilities benefiting from State-funded legal aid annually. Please describe the eligibility requirements and the rules governing exclusion from legal aid;

(c) The type and extent of support that the State party provides to civil society organizations that provide legal advice and information to persons with disabilities;

(d) The rules governing the use of Belarusian Sign Language interpretation in the judicial system, including the qualifications required to serve as a judicial sign language interpreter, the number of qualified interpreters, the financial arrangements, and the number of times that this service has been provided to deaf applicants in the past 12 months;

(e) The training provided to judicial and administrative officers, legal professionals and other relevant staff on the human rights of persons with disabilities.

12. According to information before the Committee, the Office for the Rights of Persons with Disabilities has been closed, following a lengthy period of intimidation, persecution, and fabricated criminal accusations against it by the State party. This closure has allegedly severely limited the availability of qualified legal advice for persons with disabilities. Please provide detailed information on these allegations.

### **Liberty and security of person (art. 14)**

13. Please provide information on the legislation allowing forced hospitalization and treatment of persons with disabilities, particularly of persons with intellectual disabilities and persons with psychosocial disabilities, on their application in practice, including the number of such hospitalizations and treatments annually, and on any plans to repeal such measures.

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

14. Please provide information on:

(a) Criminal and administrative rules outlawing torture and cruel, inhuman or degrading treatment or punishment, including in residential and psychiatric institutions,

perpetrated by public officials, including by law enforcement personnel and staff in institutions, and on their practical application, including the number of complaints received, procedures conducted, violations found and convictions handed down;

(b) The number of persons with disabilities involved in such processes;

(c) The existence, the organizational structure, including its independence from the executive branch, the competences and the budget of a mechanism for the prevention of torture and cruel, inhuman or degrading treatment or punishment, and on any of its findings relating to persons with disabilities.

15. According to information before the Committee, there have been several cases of persons with disabilities being accused of insulting the President and being subjected to forced psychiatric treatment, being sentenced to imprisonment, being put in incommunicado pretrial detention, and being forced to remove their prostheses and assistive devices. Please provide information on the outcome of the investigations into such cases, the sanctions imposed on the perpetrators and the redress provided to the victims.

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

16. Please provide information on:

(a) Safeguards for persons with disabilities, in law and in practice, in particular for women and girls with disabilities, from violence and abuse, including criminal provisions and their enforcement, accessible legal aid, social and informational support, training and awareness-raising initiatives, and budgets earmarked to this end;

(b) Measures taken to adopt specific legislation on combating gender-based violence against women and girls, including women and girls with disabilities;

(c) The accessibility, including regarding information and communication, of crisis centres and shelters for persons with disabilities who are victims of violence, and the application of the exclusion of “persons with particularities in their psychophysical development” from such shelters in practice, as well as the redress provided to the victims;

(d) The number of women and girls with disabilities who were victims of domestic violence during the confinement resulting from the COVID-19 pandemic, as well as on the number of complaints received from women and girls with disabilities who are victims of domestic violence, and the number of women and girls with disabilities who have benefited from accessible shelter.

(e) Statistics and data on gender-based violence against women and girls with disabilities, disaggregated by impairment and age.

#### **Protecting the integrity of the person (art. 17)**

17. Please provide information on the incidence of forced abortion and forced sterilization of women and girls with disabilities, in particular women and girls with intellectual disabilities and women and girls with psychosocial disabilities, on the legal, including criminal, provisions against such measures, and on the number and outcome of judicial procedures undertaken since the ratification of the Convention.

#### **Liberty of movement and nationality (art. 18)**

18. Please provide information on measures taken to remove administrative impediments to the exercise of the liberty of movement and nationality of persons with disabilities, such as linkages of social entitlements to the official place of residence.

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

19. Taking into consideration the Committee’s general comment No. 5 (2017) on living independently and being included in the community, please provide information on:

(a) Plans for the adoption of a national strategy for deinstitutionalization in line with the Convention, and the timetable and budget allocations for this strategy, and on the involvement of organizations of persons with disabilities in its design and implementation;

(b) Measures taken to ensure that all persons with disabilities maintain their autonomy (including the freedom to choose their place of residence and who they live with), that they are not obliged to live in a particular living arrangement and that they may take their own decisions regarding their inclusion in the community, as well as on financial allocations for support measures and action plans to promote independent living and inclusion in the community, and the corresponding timelines;

(c) The reasons for the steady increase in the number of residential care institutions (from 63 in 2000 to 92 in 2020), as well as the corresponding increase in the number of persons in institutional care in the State party. Please provide information on the support for living independently and in the community that is available in the State party;

(d) Measures taken to develop disability-inclusive mainstream community services, and how the State party measures progress towards the effective inclusion of persons with disabilities in the community;

(e) The situation of persons with disabilities in closed residential institutions during the COVID-19 pandemic. Please specify the measures taken to protect the rights of persons with disabilities, including access to information, support, and outside contact, and provide information about the restrictions imposed at the height of the pandemic.

#### **Personal mobility (art. 20)**

20. Please provide information about the support available to persons with disabilities to exercise their right to personal mobility across the country, such as the provision of social taxis (particularly in rural and remote areas), the adaptation of personal vehicles, or reduced fare policies for persons with disabilities and their assistants on public transport. Please outline the conditions and exclusion criteria for such support schemes, and any plans to extend the number of recipients of them.

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

21. Please provide information, including corresponding timelines, on measures taken to:

(a) Ensure that all websites and mobile applications intended for or provided to persons with disabilities are accessible, in both the public and the private sectors;

(b) Train sign language interpreters, and please provide information on the number of graduates of such programmes;

(c) Ensure that persons with disabilities are able to access information intended for the general public and the mass media, and that they can access such information in accessible formats, including audio description, Braille, captioning, Easy Read, plain language and sign language, as well as through interpretation for deafblind persons;

(d) Introduce audio-description and online interpreting services.

22. The Committee has received information that persons with disabilities and organizations of persons with disabilities and their staff have been subjected to interrogation, judicial processes of a dubious nature, and detention, for speaking out publicly against State-sponsored terror, violence and arbitrary detention. Please inform the Committee about such occurrences and about measures taken to prevent them.

#### **Respect for home and the family (art. 23)**

23. Please provide information on:

(a) The measures taken to prevent children being separated from their family because of their or their parents' disability;

(b) The legal bases for, the practice of and data on the removal of children from their biological parents with disabilities or chronic illnesses. Please describe the process for such removal and the safeguards provided to prevent discrimination against persons with disabilities, and to ensure the best interests of the child;

(c) Any measures taken to support parents, including parents with disabilities, in the exercise of their parental responsibilities.

#### **Education (art. 24)**

24. Please provide:

(a) Data on students with disabilities in inclusive mainstream education settings at all educational levels, disaggregated by impairment, type of school, and dropout rate; and please explain the content and the application of measures declaring children incapable of receiving education because of “medical indications”;<sup>4</sup>

(b) Information on the outcome of the 2015 National Concept of Inclusive Education for Persons with Disabilities;

(c) Information on current plans and steps taken to realize quality inclusive education, and a system providing support for students with disabilities, including students with intellectual disabilities and students with psychosocial disabilities, in mainstream education. Please include information on the benchmarks, baselines and indicators used in implementing the strategy, on the resources allocated for its implementation, and on the steps taken towards the adoption of a definition of inclusive education in the national legislation;

(d) Information on the availability and accessibility of inclusive pre-school education for children with disabilities, including children with intellectual disabilities and children with psychosocial disabilities;

(e) Information on the availability and accessibility of teaching assistance, as mentioned in the State party report,<sup>5</sup> for students with disabilities who are not students with autism;

(f) Information on measures taken during the COVID-19 pandemic to ensure that persons with disabilities, including persons with intellectual disabilities and persons with psychosocial disabilities, have access to accessible and inclusive distance education on an equal basis with others;

(g) Information on the availability of sign language interpretation in the classroom, and of teaching materials in Braille and Easy Read.

#### **Health (art. 25)**

25. Please provide information on:

(a) Measures taken to guarantee the sexual and reproductive health rights of persons with disabilities, including women and girls with disabilities, in particular on access to family planning services, on an equal basis with others, and on measures taken to ensure the availability of accessible reproductive health-care services for women and girls with disabilities, free from attitudinal barriers;

(b) Measures taken to review the 2012 Law on Psychiatric Help in order to bring it into line with the Convention, particularly with respect to its provisions that apply solely to persons with disabilities, its safeguards and remedies to protect persons with disabilities, including persons with disabilities under guardianship, against medical interventions without their free and informed consent, and a clear and unequivocal prohibition of forced interventions;

(c) Measures taken to ensure access to the health-care infrastructure and services for all persons with disabilities, particularly in rural and remote areas, on the means of communication and the equipment used, and on measures to systematically train health personnel on the rights of persons with disabilities in accessing health care and health services;

(d) Measures taken to ensure that persons with disabilities and their families receive health care during the COVID-19 pandemic on an equal basis with others, including

<sup>4</sup> CRPD/C/BLR/1, para. 169.

<sup>5</sup> Ibid., para. 394.

information on measures to establish protocols for the medical triage of COVID-19 patients in hospitals. Please describe any support measures and the provision of reasonable accommodation to ensure the equal access of persons with disabilities to testing and vaccination;

(e) Measures taken to ensure that persons with disabilities, in particular women and girls with disabilities, have access to sexual and reproductive health services on an equal basis with others;

(f) The number of persons with disabilities who have acquired COVID-19, disaggregated by place of residence, also taking into account persons in institutional settings, as well as information on the number of persons with disabilities who died from COVID-19.

#### **Habilitation and rehabilitation (art. 26)**

26. Please provide detailed information on:

(a) Measures taken to expand the individual rehabilitation programme to comprise medical, social and employment rehabilitation services based on the individual requirements and preferences of persons with disabilities, to reflect the holistic nature of individual rehabilitation, and to ensure accessibility in the community;

(b) Steps taken to ensure access by persons with disabilities to age-appropriate, up-to-date assistive technologies, based on their choices and preferences;

(c) Training provided to ensure a sufficient number of competent rehabilitation professionals;

(d) How persons with disabilities were able to access rehabilitation programmes remotely during the COVID-19 pandemic.

#### **Work and employment (art. 27)**

27. Please provide information on:

(a) Measures taken to increase the employment rate of persons with disabilities, including women with disabilities, persons with intellectual disabilities and persons with psychosocial disabilities, on the open labour market, as well as information on measures taken to guarantee the principle of equal pay for work of equal value for persons with disabilities;

(b) Measures taken to remove barriers to the employment of persons with disabilities, such as official declarations of “unfitness to work”, mandatory recommendations by the Medical Rehabilitation Expert Board, and the prohibition of persons with disabilities from exercising a secondary professional activity in certain professional fields, and to replace them with support measures and the provision of reasonable accommodation in line with the Convention;

(c) Measures taken to support the self-employment and entrepreneurship of persons with disabilities, including women with disabilities, persons with psychosocial disabilities and persons with intellectual disabilities;

(d) The number of persons with disabilities who lost their employment as a result of the COVID-19 pandemic.

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

28. Please provide information on:

(a) The inclusion of persons with disabilities in general poverty reduction schemes, on the disability-inclusiveness of such schemes, and on the number of persons with disabilities who have benefited from them;

(b) The entitlements of persons with disabilities, including persons with disabilities requiring high levels of support, and older persons with disabilities, to social protection benefits;

(c) Please clarify how the disability pension programme allows persons with disabilities to work without loss of pensions;

(d) Measures taken to replace the medical model of disability – prevalent in the classification of persons with disabilities into three groups – with the human rights model of disability;

(e) Measures taken or envisaged to monitor and mitigate the negative effects from the economic crisis following the COVID-19 pandemic on the standard of living of persons with disabilities.

#### **Participation in political and public life (art. 29)**

29. Please provide information on measures taken:

(a) To ensure that persons with disabilities under guardianship are not deprived of their political rights;

(b) To ensure the full accessibility of election campaigns and voting processes, and of material and infrastructure, including websites, for persons with disabilities, irrespective of their impairment, to monitor the implementation of such accessibility measures, and to provide remedies in cases of inaccessibility;

(c) To promote the participation of persons with disabilities – particularly women with disabilities, persons with psychosocial disabilities and persons with intellectual disabilities – in the conduct of public affairs, irrespective of their political views and affiliations. Please provide data on the share of persons with disabilities in elected office and senior administrative positions;

(d) To investigate alleged cases of threats, intimidation and blackmailing of organizations of persons with disabilities for participating in public life, to provide redress and remedies for victims, and to ensure the prosecution and punishment of perpetrators.

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

30. Please provide information on measures taken to guarantee to all persons with disabilities, including children with disabilities, the accessibility of sports facilities, museums, cultural and natural heritage sites, and any other places relevant to cultural life.

### **C. Specific obligations (arts. 31–33)**

#### **Statistics and data collection (art. 31)**

31. Please provide information on measures taken for the systematic collection, analysis and dissemination of data on the situation of persons with disabilities, disaggregated by impairment, sex, age, ethnicity, education, employment status, socioeconomic status and social protection entitlement, for the purposes of informing programme and policy development. Please specify whether the data collection on persons with disabilities by the health ministry and by the State are harmonized.

32. Please also provide information on the use of the Washington Group Short Set of Questions on Disability in the next census.

#### **International cooperation (art. 32)**

33. Please provide information on the development and the outcomes of international cooperation projects, including with the European Union, aimed at the implementation of the rights of persons with disabilities in the State party.

#### **National implementation and monitoring (art. 33)**

34. Please provide information on measures taken to establish an independent monitoring mechanism, which is allocated resources from the budget and is compatible with the principles relating to the status of national institutions for the promotion and protection of

human rights (the Paris Principles), to monitor the implementation of the Convention. Please also inform the Committee about whether accreditation of such a mechanism by the Global Alliance of National Human Rights Institutions is envisaged by the State party. Please also indicate the measures taken to ensure the involvement of persons with disabilities and their representative organizations in the mechanism's establishment and work.

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