



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Combined twenty-fourth and twenty-fifth periodic  
reports submitted by Belarus under article 9 of the  
Convention, due in 2020\***

[Date received: 2 September 2021]

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\* The present document is being issued without formal editing.



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## I. Introduction

1. Pursuant to article 9 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination, the Republic of Belarus hereby submits its combined twenty-fourth and twenty-fifth periodic reports on the implementation of the Convention.
2. The document was prepared in accordance with the guidelines on the form and content of the report to be submitted by States parties on the fulfilment of their obligations under the Convention ([CERD/C/2007/1](#)).
3. The report provides updated information on the measures taken in Belarus during the reporting period to ensure that manifestations of racism, racial discrimination and other forms of intolerance will not be tolerated, including steps to improve legislation and protect and promote the rights of citizens of all ethnic backgrounds, and also information on the Committee's concluding observations on the combined twentieth to twenty-third periodic reports of Belarus in 2017 ([CERD/C/BLR/CO/20-23](#)).
4. The report was prepared by the Ministry of Foreign Affairs in collaboration with the Office of the Commissioner for Religious and Ethnic Affairs, the Ministry of Labour and Social Protection, the Ministry of Internal Affairs, the Ministry of Education, the Ministry of Justice, the Ministry of Information, the National Statistical Committee, the National Centre for Legislation and Legal Research, the Investigative Committee, the Office of the Procurator General and the Supreme Court.

## II. Information on the implementation of the Convention

### Article 1

#### Legislative measures to prevent discrimination

5. Maintaining harmonious inter-ethnic relations and fostering cultural dialogue are among the major achievements of the State ethnic policy of Belarus.
6. Under the Constitution, all persons are equal before the law and are entitled without discrimination to equal protection of their rights and legitimate interests (art. 22).
7. This right is guaranteed to all citizens irrespective of their origin, race, ethnicity, nationality, social status, property, gender, language, education, attitude to religion, place of residence, state of health or other circumstances.
8. The principle of equality before the law and the prohibition of discrimination are set out in the following legislation governing the enjoyment of rights and fundamental freedoms in the political, economic, social and cultural spheres and other areas of public life: the Labour Code; the Marriage and Family Code; the Education Code; the Civil Code; the Criminal Code; the Rights of the Child Act; the State Youth Policy Act; the Citizens' and Legal Entities' Appeals Act; the Act on the Approval of Domestic and Foreign Policy Guidelines; the Administrative Procedures Framework Act; and the Public Service Act.
9. Under the Ethnic Minorities Act of 11 November 1992 (as amended by the Act of 5 January 2004), citizens of Belarus who belong to ethnic minorities are guaranteed equal political, economic and social rights and freedoms, including the following:
  - The right to assistance from the State for the development of ethnic culture and education
  - The right to use one's first language, the right to choose the language used for communication and the right to freedom of choice of the language in which children are reared and educated
  - The right to establish a media outlet and engage in publishing and the right to receive, store and disseminate information in one's first language
  - The right to establish cultural ties with people of the same ethnic origin living outside Belarus

- The right to profess any religion or no religion and to take part in religious worship, ceremonies and rites in one's first language
- The right to preserve one's historical, cultural and spiritual heritage and to foster cultural development, including professional and amateur arts
- The right to set up voluntary associations and to join existing ones
- The right to vote and to stand for public office on the basis of universal, equal and direct suffrage by secret ballot
- The right of equal access to public service positions in Belarus

10. Furthermore, under the Ethnic Minorities of Belarus Act, there may be no direct or indirect restriction whatever of citizens' rights and freedoms on the grounds that they belong to an ethnic minority and no attempts to assimilate them against their will.

11. The Local Government and Self-Government Act of 4 January 2020 makes provision for local self-government, thus facilitating the preservation of cultural values and ethnic customs and traditions and increasing the scope for artistic creativity and technical innovation among ethnic minorities.

12. Through the procedures laid down in domestic legislation, the Government provides opportunities for the development of education and culture of ethnic minorities by providing the necessary funds from the national and local budgets for this purpose.

13. In order to prevent discrimination in all its forms, the Anti-Extremism Act of 4 January 2007 (as amended by the Act amending anti-extremism laws of 14 May 2021) defines extremism as activity involving Belarusian citizens, foreign nationals or stateless persons, or political parties, trade unions, other voluntary associations and religious and other organizations, including foreign or international organizations or their representative offices, and establishments and individual enterprises in planning, organizing, preparing and committing infringements of independence, territorial integrity, sovereignty, the foundations of the constitutional order and public security, including by:

- Establishing an extremist group or participating in an extremist group
- Inciting racial, ethnic, religious or other social hostility or discord, political or ideological hostility, hostility or discord with respect to any social group, including the commission of offences against public order and public morals, administrative order, life and health, personal freedom, the honour and dignity of the person and property
- Organizing and carrying out mass riots, acts of vandalism involving damage to or destruction of property, seizure of buildings and structures, or other actions that grossly violate public order, or active participation in them for reasons of racial, ethnic, religious or other social hostility or discord or political or ideological enmity, hostility or discord with respect to any social group
- Advocating exclusiveness or the superiority or inferiority of citizens on social, racial, ethnic, religious or linguistic grounds
- Rehabilitating Nazism, advocating or publicly displaying, manufacturing and distributing Nazi symbols and paraphernalia and possessing or acquiring such symbols or paraphernalia for the purpose of distribution
- Calling publicly for any of the above-mentioned acts

14. The establishment and activities of political parties, voluntary associations and unions aimed at war propaganda or extremist activities are prohibited under article 7 of the Political Parties Act of 5 October 1994 (as amended by the Act of 19 July 2005) and article 7 of the Voluntary Associations Act of 4 October 1994 (as amended by the Act of 19 July 2005) respectively.

15. The Media Act of 17 July 2008 guarantees respect for the human rights and freedoms of Belarusian citizens in the media (art. 4). Article 38 of the Act prohibits the dissemination in the media of information aimed at advocating or inciting war or extremist activity or

promoting pornography, violence or cruelty, including advocating or inciting suicide, and other information which, if disseminated, could cause harm to the national interests of Belarus or which is prohibited under the Act or other laws of Belarus.

16. Under article 31 of the Constitution, everyone has the right to determine his or her attitude to religion, to profess any religion, individually or with others, or to profess no religion, to express and disseminate his or her religious beliefs and to take part in religious worship, ceremonies and rites not prohibited by law.

17. In accordance with article 5 of the Freedom of Conscience and Religious Organizations Act of 17 December 1992 (as amended by the Act of 31 October 2002), no one is required to declare his or her attitude to religion, and no one may be subjected to any pressure whatever to profess a given faith while he or she is determining what position on religion to take.

18. Article 7 of the Act of 17 December 1992 provides that citizens are equal before the law irrespective of their attitude to religion. A citizen's religion is not indicated in official documents unless he or she so desires.

19. In accordance with article 11 of the Constitution and article 4 of the Act on the Legal Status of Foreign Nationals and Stateless Persons in Belarus, of 4 January 2010, foreigners and stateless persons in the country have the same rights, freedoms and obligations as Belarusian citizens unless provided otherwise by the Constitution, the Act itself, other legislative acts or the international agreements entered into by Belarus.

20. Foreign nationals or stateless persons who are residing in Belarus because of a well-founded fear of being persecuted in their State of nationality or State of former habitual residence for reasons of race, religion, nationality, ethnic origin, membership of a particular social group or political opinion and are unable or unwilling because of such fear to avail themselves of the protection of that State are entitled to refugee status, subsidiary protection or asylum in accordance with the Act on the Granting of Refugee Status, Subsidiary Protection, Asylum and Temporary Protection to Foreign Nationals and Stateless Persons, of 23 June 2008.

21. Persons whose application for such status has been discontinued or who have been refused or who have lost such status may not be deported from Belarus to a to a foreign State where their lives or liberty would be endangered because of their race, faith, nationality, ethnic origin, membership of a particular social group or political convictions, or to a foreign State where they would face the death penalty or a threat to life as a result of violent armed conflict, whether international or non-international, or to a foreign State where they are at risk of torture.

22. The International Labour Migration Act of 30 December 2010 prohibits discrimination against migrant workers on the basis of gender, race, ethnic origin, language, religious or political convictions, participation or non-participation in trade unions or other voluntary associations, property, official status, age, place of residence or physical or mental disabilities. Article 4 of the Act establishes a prohibition against violations of the labour legislation of Belarus and other national laws when immigrant workers are employed in Belarus.

## **Article 2**

### **Fulfilment of the obligation to eliminate all forms of racial discrimination and related intolerance**

23. Belarus has consistently pursued a policy aimed at ensuring the free development of the cultures, languages and traditions of all ethnic communities, full equality, respect for and consideration of the rights and interests of the members of these communities and State support for the realization of these rights and the elimination of all manifestations of racism, racial discrimination, xenophobia and related intolerance.

24. All persons are equal before the law and are entitled without discrimination to equal protection of their rights and legitimate interests. No one may enjoy advantages and

privileges that infringe on the interests of others. Everyone is entitled to freedom of association and to preserve his or her ethnic identity and, by the same token, no one may be compelled to specify or declare his or her ethnicity. Offences against ethnic dignity are subject to prosecution under the law. Everyone has the right to use his or her first language and to choose the language of communication, education and instruction.

25. National legislation provides for the equality of members of ethnic communities without distinction as to the length of time they have been in the country.

26. The ethnic origin of a citizen of Belarus is not recorded in any way, directly or indirectly, in any document. However, ethnic origin may be noted in a citizen's passport at his or her own request, in accordance with paragraph 22 of the rules on identity documents, approved under Presidential Decree of 3 June 2008 on the documentation of the population of Belarus.

27. There are more than 150 ethnic groups living in Belarus. According to the 2019 census, 84.9 per cent of the country's inhabitants are Belarusian, and 13.1 per cent come from other ethnic backgrounds, including Russians (7.5 per cent), Poles (3.1 per cent), Ukrainians (1.7 per cent) and Jews (0.1 per cent). A total of 6,848 people, or 0.07 per cent of the country's population, identified themselves as Roma. In addition, 2 per cent of the country's inhabitants did not indicate their ethnic origin.

28. There are more than 200 ethnic minority citizens' organizations registered in the country, including their institutional framework, that bring together persons from 25 different ethnic groups.

29. All these associations have considerable experience with cultural, educational, media and charitable work. All ethnic cultural associations are entitled to receive financial, legal and organizational support and guidance from the State on equal terms.

30. In Belarus, work with ethnic and religious communities is coordinated by the Office of the Commissioner for Religious and Ethnic Affairs.

31. The Office monitors compliance with the legislation for the protection of the human rights of persons who identify themselves as members of ethnic communities and, in cooperation with the public authorities and other organizations, seeks to prevent violations of the law while facilitating inter-ethnic and interfaith dialogue and reaffirming the value of cultural diversity.

32. An interdepartmental working group has been established to improve public policy in the field of ethnic relations, which comprises the head of unit of the Office of the President, deputy ministers, chairs of provincial executive committees and the Minsk City Executive Committee and representatives of ministries, agencies and organizations responsible for these issues.

33. In 2020, there were two meetings of the working group. The meetings considered such issues as the preservation and study of the cultural heritage and the promotion of the traditions of ethnic communities, cooperation between cultural institutions and religious organizations and ethnic and cultural voluntary associations in preserving and transmitting folk and family traditions, holidays and ceremonies, cooperation between the Belarusian Orthodox Church and educational institutions in the organization of preventive education work with young people and cooperation between local executive committees and organizations of Belarusians abroad and religious communities for the further development of interfaith dialogue.

34. The Inter-Ethnic Advisory Council has been a part of the Office of the Commissioner for Religious and Ethnic Affairs since 2006. The Council currently has 21 members from ethnic cultural associations and their unions, including the Belarusian Roma Diaspora, the Union of Poles in Belarus, the Hayastan Armenian Cultural and Educational Society of Minsk, the international Congress of Azerbaijani Communities, the Belarusian voluntary association of Ukrainians, Vatra, and others. The voluntary associations of a given ethnic community propose a candidate for membership of the Council who is given the power to represent the interests of the association or of several associations.

35. The Council works with the Commissioner for Religious and Ethnic Affairs in the areas under its jurisdiction, drafts proposals for the improvement of relations with voluntary

associations that identify themselves as ethnic minority associations and coordinates the activities of voluntary associations whose representatives sit on the Council.

36. The Council takes part in the allocation of funds for promoting the development of ethnic cultural associations in Belarus. In 2020 alone, under the auspices of the Commissioner for Religious and Ethnic Affairs, ethnic costumes and musical instruments were made and donated to the performing arts groups and soloists of Armenian, Chuvash, Moldovan, Turkmen, Tatar-Bashkir, Georgian, Greek, Korean, Polish, Roma and Palestinian ethnic cultural associations and booklets of members of the Armenian and Georgian diasporas were published, using funds allocated from the national budget for this purpose.

37. Regional executive committees and the Minsk City Executive Committee have sections for religions and ethnic affairs of regional executive committees and the Minsk municipal executive committee, which exercise State powers, including in the sphere of religions and ethnic groups, on ethnic and religious issues, which deal with the implementation of ethnic and religious State policy in the regions and monitor compliance with legislation in this area on the ground.

38. The programme for the development of interfaith relations, inter-ethnic relations and cooperation with members of ethnic groups living abroad for the period 2021–2025 is being implemented.

39. The programme for the development of ethnic relations for the period 2021–2025 is aimed at further maintaining inter-ethnic peace and harmony and helping citizens to exercise their rights to ethnic cultural development and ethnic identity.

### **Article 3**

#### **Condemnation of racial segregation and apartheid**

40. Racial segregation and apartheid do not exist in Belarus. The Government condemns any practices, policies and ideologies that lead to racial discrimination or related intolerance. The country's domestic and foreign policy are based on international standards, including condemnation of apartheid and racial segregation.

41. Belarus is a regular sponsor of resolutions of the General Assembly and the Third Committee on the prevention of racism, racial discrimination and related intolerance.

42. A member of the group of friends of the Alliance of Civilizations, Belarus takes part in its forums, where it shares its national experience in the areas of inter-ethnic and interfaith relations, the promotion of tolerance and openness to religious, cultural, ethnic and linguistic diversity.

### **Article 4**

#### **Legislative, judicial, administrative and other measures to eradicate racial discrimination and incitement to such discrimination**

43. Responsibility is incurred under the legislation of Belarus for any acts entailing discrimination on ethnic grounds, interference in the enjoyment of the legal rights of ethnic minorities and creation of inter-ethnic or other discord.

44. The Code of Administrative Offences and the Criminal Code provide for responsibility for a number of acts when committed on grounds of racial, ethnic or religious hostility or discord.

45. Under article 10.16 of the Code of Administrative Offences, public insult, denigration of State languages or other ethnic languages, obstruction or restriction of their use and the advocacy of hostility on linguistic grounds are classed as administrative offences.

46. The commission of an administrative offence motivated by racial, ethnic, religious, political or ideological hostility or enmity, or by hostility or enmity with respect to a social group, is considered an aggravating circumstance under article 7.3 (1) (6) of the Code of

Administrative Offences. The same circumstances constitute an aggravating circumstance under article 64 (1) (9) of the Criminal Code.

47. The Criminal Code also establishes criminal liability for offences against constitutional human and civil rights and freedoms, in particular violations of citizens' equal rights (art. 190). This article establishes liability for any intentional direct or indirect violation or restriction of rights and freedoms or the granting of direct or indirect advantages for citizens on the basis of gender, race, ethnicity, language, origin, property, official status, place of residence, attitude to religion, beliefs or membership of voluntary associations resulting in substantial harm to the rights, freedoms and legitimate interests of citizens or their families.

48. In addition, the Criminal Code establishes liability for wilful acts aimed at inciting racial, ethnic, religious or other social hostility or discord on the grounds of racial, ethnic, religious, linguistic or other social affiliation (art. 130), for intentional actions to rehabilitate Nazism (art. 130<sup>1</sup>) and for a number of offences when committed on grounds of racial, ethnic or religious hostility or discord, political or ideological hostility, or hostility or discord with respect to a given social group, for example, genocide (art. 127), crimes against the security of humankind (art. 128), murder (art. 139 (2) (14)) and intentional grievous bodily harm (art. 147 (2) (8)).

49. The Act of 26 May 2021 amending the criminal liability codes introduced a number of significant amendments to the Criminal Code that deal with criminal liability for acts motivated or incited by racial, ethnic or religious hostility or discord and incitement to such acts:

- The penalty for genocide was increased (art. 127): the minimum prison sentence was raised from 10 to 12 years.
- Rehabilitation of Nazism has been made a separate offence (article 130<sup>1</sup>).
- A note was added to article 130 on what should be understood by "other social affiliation" (a person's affiliation with a particular social group based on gender, age, profession, occupation, place of residence and other social and group identification).
- The following have been criminalized: repeated advocacy, public display, manufacture and distribution of Nazi symbols and paraphernalia (art. 341<sup>1</sup>); promotion of extremist activities (art. 361<sup>4</sup>); training or other preparation for involvement in such activities (art. 361<sup>5</sup>); and failure to comply with decisions to declare an organization or the activities of an individual entrepreneur extremist (art. 423<sup>1</sup>).
- The provisions on criminal liability for calls for actions aimed at harming the national security of Belarus (art. 361) and the financing of extremist activities (Article 361<sup>2</sup>) have been clarified.
- Criminal liability was introduced for participation in an extremist entity or entity whose activities are aimed at the rehabilitation of Nazism (Article 361<sup>1</sup>).

50. The penalties incurred under current national law for any occurrence of racial discrimination acts as a powerful deterrent to and curb on potential acts of racial discrimination or incitement to such acts.

51. In the 2016–2021 period, no persons were convicted of offences covered under the following articles of the Criminal Code: 127 (Genocide); 128 (Crimes against the security of humankind); 190 (Violations of citizens' equal rights); and 193 (Organization or leadership of a voluntary association or religious organization that violates the person or the rights and obligations of citizens).

52. In the period 2016–2020, 36 people were convicted under article 130 of the Criminal Code (Incitement of racial, ethnic, religious or other social hostility or discord). These include: 2 persons (both under paragraph 1) in 2016; 10 persons (all under paragraph 1) in 2017; 10 persons (7 under paragraph 1 and 3 under paragraph 3) in 2018; 9 persons (7 under paragraph 3) in 2018; 9 persons (7 under paragraph 3) in 2019; and 5 persons (all under paragraph 1) in 2020. One person was convicted under article 139 (2) (14) of the Criminal Code.



## Article 5

### Measures taken in the social, economic, cultural and other fields to uphold the human rights of members of national and ethnic groups

53. Under the Ethnic Minorities of Belarus Act, the State guarantees citizens of Belarus who identify themselves as members of an ethnic minority the exercise of equal political, economic and social rights and freedoms in accordance with the law.

54. Updated information on the realization of some of these rights is provided below.

55. State policy on interfaith and inter-ethnic relations is carried out in accordance with the Constitution, the national security policy outline, the 36 international instruments on human rights and the human dimension acceded to by Belarus, the Freedom of Conscience and Religious Organizations Act and the Ethnic Minorities of Belarus Act.

56. The legislation in force provides a legal framework within which religious organizations may freely operate and develop. The State does not interfere in the private observance of any religion. Article 4 (2) of the Constitution states that the ideology of a political party, religious organization or other voluntary association or social group cannot be imposed on a citizen. The right to freedom of religion is set out in article 31 of the Constitution.

57. As at 1 January 2021, there were 3,569 religious organizations from 25 faiths and religious denominations, including 3,395 religious communities and 174 faith-based organizations, registered in the country.

58. The activities of religious organizations, including difficult issues and interaction with the Government on ethnic matters, are coordinated by the Inter-Ethnic Advisory Council of the Office of the Commissioner for Religious and Ethnic Affairs.

59. Mention should be made of the extensive support given to religious organizations through legislative initiatives: all religious organizations are exempt from land tax and tax on immovable property.

60. Funding from the national budget is provided for repair and restoration work on historical and cultural assets, including places of worship for various faiths: the Orthodox Transfiguration Church of the Saint Euphrosyne Monastery in Polatsk, Dormition Monastery in Pustynki, Mstislaw District, Mahilioŭ Province and Holy Dormition Cathedral in Zhyrovitsy, Slonim District, Hrodna Province, and the Catholic church of the former Jesuit college in Yuravichy, Kalinkavichy District, Homiel District and Church of the Holy Body in Nyasvizh, Minsk Province.

61. The national authorities and local authorities and administrative bodies provide assistance for the Mahutny Boža international Christian music festival, in which performance groups of various faiths take part, and the annual Kolozha Chime international festival of Orthodox chants.

62. The celebration in honour of the Budslaŭ icon of Our Lady (Budslaŭ fest), which is a Catholic summer festival attended not only by Catholics but by persons of all Christian denominations, was placed by the United Nations Educational, Scientific and Cultural Organization (UNESCO) on the Representative List of the Intangible Cultural Heritage of Humanity in 2018, with the support of the State.

63. In accordance with the Act on Languages in Belarus of 26 January 1990, the mass media may use the language of any ethnic group whose members live in the country. The print media are primarily in Russian and Belarusian. There are also publications in English, German, French, Polish and other languages. The main pieces of legislation regulating the information and information technology spheres are the Media Act and the Information, Information Systems and Data Protection Act of 10 November 2008.

64. The freedom to stage assemblies, rallies, street marches, demonstrations and pickets and freedom of association are established as basic human and civil rights under articles 35 and 36 of the Constitution. The main pieces of legislation setting out the procedures for

realization of these constitutional rights are the Political Parties Act, the Voluntary Associations Act, the Mass Events Act and the Trade Unions Act.

65. In Belarus, there are 112 active voluntary associations of ethnic minorities.

66. There are voluntary associations of ethnic minorities for the Russian, Ukrainian, Moldovan, Roma, Lithuanian, Greek, Jewish, Polish, Tatar, Kazakh, Tatar-Bashkir, Dagestani, Armenian, Azerbaijani and other ethnic groups.

67. These associations pursue the goals of revitalizing their cultural heritage, preserving and enhancing ethnic traditions and customs, studying and promoting their languages, traditions, history and unique cultural features, promoting mutually enriching exchanges between these unique cultures and developing and consolidating friendship between peoples.

68. The activities of ethnic minority associations are primarily aimed at promoting their cultures, languages and traditions, including through large cultural events, competitions, festivals, exhibitions, concerts, holidays and fairs, and at providing charitable assistance and holding various charity events.

69. The legal status of foreign nationals and stateless persons in Belarus is determined principally by the Constitution and the Act on the Legal Status of Foreign Nationals and Stateless Persons in Belarus, which laid the foundations for the State's approach to regulating the stay of foreigners in Belarus.

70. Article 11 of the Constitution provides that foreign nationals and stateless persons enjoy the same rights and freedoms and fulfil the same obligations as citizens of Belarus, unless otherwise provided in the Constitution, laws and international agreements entered into by Belarus.

71. In July 2020, amendments made to the Act of 4 January 2010 on the Legal Status of Foreign Nationals and Stateless Persons in Belarus entered into force. The Act was supplemented with article 3<sup>1</sup>, which provides that the generally recognized principles of international law prevail have primacy and that national legislation on the legal status of foreigners must be compatible with those principles. Moreover, if an international treaty to which Belarus is a party establishes rules that differ from those contained in the Act, the rules of the international treaty apply.

72. Article 17<sup>1</sup> of the Act sets out the circumstances in which foreigners may not be expelled from Belarus. Foreigners may not be expelled from Belarus to a foreign State where their lives or liberty would be endangered because of their race, faith, nationality, ethnic origin, membership of a particular social group or political convictions, or to a foreign State where they would face the death penalty or a threat to life as a result of violent armed conflict, whether international or non-international. These provisions do not apply to foreigners who pose a threat to the national security of Belarus or have been convicted of committing a criminal offence that is categorized under the Criminal Code as especially serious. However, no foreigners may be expelled from Belarus to a foreign State where they are at risk of torture.

73. In the event that their travel documents are lost or stolen while they are outside Belarusian territory, stateless persons who are permanent residents in Belarus and foreign nationals and stateless persons who have been granted refugee status, subsidiary protection or asylum in Belarus are issued an emergency travel document for return travel to Belarus, on an equal footing with Belarusian citizens and foreign nationals with permanent residency in Belarus. In accordance with the first paragraph of article 14 of the International Labour Migration Act, of 30 December 2010, emigrant workers who are stateless persons permanently residing in Belarus are guaranteed the protection and support of Belarus in their State of employment.

74. The net migration rate (migration "balance") is consistently positive, as Belarus has remained attractive to migrants, creating favourable conditions for their stay, work and study in the country.

	2016	2017	2018	2019
Migration turnover, persons	+7 900	+3 900	+9 400	+13 900

75. A comprehensive system for the legal and social protection of asylum seekers has been established in Belarus.

76. In July 2017, a new version of the Act on the Granting of Refugee Status, Subsidiary Protection, Asylum and Temporary Protection to Foreign Nationals and Stateless Persons entered into force (the fifth version of this law relating to forced migration, first adopted in 1995).

77. Under national legislation, all foreign nationals or stateless persons (hereinafter referred to as foreigners) applying for refugee status, subsidiary protection or asylum (hereinafter referred to as protection) in Belarus must be given access to the procedures for the consideration of their applications for protection.

78. Either when crossing the State borders of Belarus or when already in the country, any foreigner may declare his or her intention to seek protection. On the basis of its consideration of each application, the Department of Citizenship and Migration of the Ministry of Internal Affairs adopts a decision, which may be challenged in the courts.

79. There are two temporary accommodation centres for foreigners applying for protection and refugees in Belarus, in Viciebsk and Homiel, and a system has been set up to facilitate the monitoring by international and non-governmental organizations of access by asylum seekers to refugee status determination procedures.

80. Foreigners who have been granted refugee status or asylum in Belarus enjoy all social and economic rights and have the same rights as foreigners with permanent residence, unless otherwise specified by national legislation and international agreements entered into by Belarus. They are covered by national employment law and receive assistance in vocational training and job placement. Refugees are entitled to receive health care, education and judicial protection on an equal footing with citizens of Belarus. They are also granted the right to family reunification, the right to receive cash assistance and to live in special accommodation and benefits when registering at their place of residence.

81. Foreigners who have been granted subsidiary protection in Belarus and foreigners applying for protection have the same rights as foreigners who are temporary residents in the country. These groups of foreigners also have the right to employment on the same footing as foreigners with permanent residence in Belarus. Foreigners who have been granted subsidiary protection in Belarus have the same right to health care as foreigners with permanent residence, while foreigners applying for protection are entitled to free emergency health care.

82. Foreigners applying for protection have the same rights as foreigners with temporary residence in Belarus. Moreover, in accordance with national legislation, they are entitled to free emergency health care in State health-care facilities and have the same employment rights as foreigners with permanent residence. They are also accorded the right to live in specially equipped facilities (if it is not possible for them to settle in Belarus independently) and the same right to judicial protection as citizens of Belarus.

83. Foreigners who, under the country's legislation and international obligations, cannot be subject to expulsion have the right to obtain a temporary or permanent residence permit and, accordingly, enjoy all the same rights as foreigners granted temporary or permanent residence in Belarus.

84. Foreign nationals and stateless persons permanently residing in Belarus, ethnic Belarusian foreign nationals and stateless persons permanently residing in foreign States and foreign nationals and stateless persons who have been granted refugee status or asylum in Belarus have the same right to education as citizens of Belarus unless otherwise specified in national legislation or international agreements entered into by Belarus. Minors who are foreign nationals or stateless persons and have temporary residence in Belarus, have been granted refugee status, subsidiary protection or asylum in Belarus or are applying for protection have the same right to preschool, general primary and secondary and specialized secondary education and health care as Belarusian minors.

85. Foreign nationals and stateless persons in Belarus enjoy all the legal remedies for the protection of individual rights and freedoms provided for in the legislation of Belarus.

86. In the period that the legislation on forced migration has been in effect in Belarus (from 1997 to 2020) over 10,000 foreigners from 71 States have applied to the competent authorities for protection.

State	2017		2018		2019		2020	
	Submitted	Accepted (refugee/ subsidiary protection)	Submitted	Accepted (refugee/ subsidiary protection)	Submitted	Accepted (refugee/ subsidiary protection)	Submitted	Accepted (refugee/ subsidiary protection)
Afghanistan	8	2/7	35	1/1	8	8/7	11	2/10
Armenia	5		1		6		8	
Azerbaijan			2		1		3	
Bangladesh	8		5		5			
Bolivia (Plurinational State of)							1	
Brazil							1	
Bulgaria	1		4					
Cameroon			1		1		8	1/2
Canada	1							
China					2		1	
Congo					1			
Cuba			7		5			
Egypt	2	0/3	2		3		1	
Eritrea		1/0						
Estonia	1						1	
Ethiopia			1					
France	1							
Gambia							1	
Georgia	7	0/2	1				1	
Germany							1	
Guinea							2	
India	1		4		4		1	
Indonesia					1			
Iran (Islamic Republic of)	4		1	1/0				
Iraq	17		13		4	0/1	6	0/1
Jordan					1			
Kazakhstan	2				1		8	
Kyrgyzstan			1	1/0	3			
Latvia			2		1		2	
Lebanon	1				1		4	
Lithuania	2						2	
Mali							1	
Mongolia							3	
Nigeria	1				1			
Pakistan	12		3				3	
Palestine	1				5			
Poland	1						1	

State	2017		2018		2019		2020	
	Submitted	Accepted (refugee/ subsidiary protection)	Submitted	Accepted (refugee/ subsidiary protection)	Submitted	Accepted (refugee/ subsidiary protection)	Submitted	Accepted (refugee/ subsidiary protection)
Republic of Moldova	3			0/1	1		3	
Russian Federation	16		9		10		21	1/0
Saudi Arabia					1		1	1/0
Slovakia	1							
South Africa			1					
Sri Lanka					1		2	
Syrian Arab Republic	11	1/15	19	1/7	9	1/11	17	0/8
Tajikistan	1		1		1		2	
Togo			1					
Tunisia			1					
Turkey	4		7	4/0	1		12	
Turkmenistan			1				5	
Ukraine	628	1/519	761	1/835	567	0/587	441	0/421
United States of America	1		1		1		1	
Uzbekistan	1		5		1		3	
Yemen	10	0/9	5	0/4	7	0/6	10	0/7
<b>Total</b>	<b>752</b>	<b>5/555</b>	<b>895</b>	<b>9/848</b>	<b>654</b>	<b>9/612</b>	<b>589</b>	<b>5/449</b>

87. As at 1 January 2021, refugee status had been granted to 957 foreigners from 24 States (641 from Afghanistan, 136 from Georgia, 38 from the Syrian Arab Republic, 32 from Tajikistan, 30 from Azerbaijan, 23 from Ethiopia, 13 from the Islamic Republic of Iran, 10 from Palestine, 5 each from Pakistan and Ukraine, 4 each from Armenia and Turkey, 3 from Iraq, 2 each from Cameroon and India and 1 each from Eritrea, Kyrgyzstan, Liberia, Libya, Lebanon, the Russian Federation, Rwanda, Saudi Arabia and Somalia); subsidiary protection had been granted to 4,308 foreigners (4,023 from Ukraine, 153 from the Syrian Arab Republic, 60 from Yemen, 28 from Afghanistan, 16 from Iraq, 9 each from Egypt and Libya, 2 each from Cameroon, Georgia and Kazakhstan and 1 each from Iran, Kyrgyzstan, Lebanon and the Republic of Moldova).

88. An important aspect of working with refugees is facilitating their integration into society. As at 1 January 2021, 221 of the foreigners granted refugee status had acquired Belarusian nationality.

89. Priorities for the successful integration of refugees include the resolution of housing issues and assistance with employment, language learning and education, which are addressed in part through international technical assistance projects. These include the United Nations Development Assistance Framework Programme for Belarus for 2016–2020, which was approved by Council of Ministers Order No. 457 of 1 June 2015.

90. Employees in the citizenship and migration departments of the internal affairs agencies working directly with asylum seekers, members of the judiciary, legal professionals and representatives of organizations providing free assistance to refugees took part in actions under the Asylum Systems Quality Initiative in Eastern Europe and South Caucasus, a regional project of the Office of the United Nations High Commissioner for Refugees intended to improve the quality control mechanisms for decision-making with respect to the

granting of refugee status, subsidiary protection or asylum and to improve professional training for specialists.

91. In accordance with the Act of 23 June 2008 on the Granting of Refugee Status and Subsidiary and Temporary Protection to Foreign Nationals and Stateless Persons in Belarus, the Department of Citizenship and Migration of the Ministry of Internal Affairs makes decisions on the basis of its consideration of foreigners' applications for protection. Pursuant to the Act, foreigners are entitled to appeal against decisions against them in court within 15 days of being notified of such a decision. If the protection case relating to the foreigner was considered under an expedited claims process, the foreigner has the right to appeal within seven days.

State	2017			2018		
	Result of consideration			Result of consideration		
	Appeals in court	First instance court (granted/denied)	Court of appeal (granted/denied)	Appeals in court	First instance court (granted/denied)	Court of appeal (granted/denied)
Afghanistan	8	0/8	0/8			
Bangladesh				3	0/3	0/2
Canada	1	0/1	0/1			
Egypt	1	0/1	0/1	1	0/1	0/1
Georgia	2	0/2	0/2	1	0/1	0/1
India				4	0/4	0/4
Iran (Islamic Republic of)	3	0/3	0/3	1	0/1	0/1
Iran (Islamic Republic of)/Armenia				3	0/3	0/3
Iraq	4	0/4	0/4	2	0/2	0/2
Kazakhstan				1	0/1	
Moldova	1	0/1				
Pakistan	3	0/3	0/1			
Russian Federation	7	0/7	0/6	4	0/4	
Syrian Arab Republic	1	0/1	0/1	1	0/1	0/1
Syrian Arab Republic/Egypt						
Syrian Arab Republic/Philippines						
Tajikistan	8	0/8	0/8			
Ukraine	6	0/6	0/5	3	0/3	
Uzbekistan				1	0/1	0/1
<b>Total</b>	<b>45</b>	<b>0/45</b>	<b>0/40</b>	<b>25</b>	<b>0/25</b>	<b>0/16</b>

State	2019			2020		
	Result of consideration			Result of consideration		
	Appeals in court	First instance court (granted/denied)	Court of appeal (granted/denied)	Appeals in court	First instance court (granted/denied)	Court of appeal (granted/denied)
Afghanistan	20	0/20	0/20			
Armenia	6	0/6	0/2	2	0/2	
Bangladesh				2	0/2	
Bolivia (Plurinational State of)				1	0/1	
Cuba	4	0/4	0/4	1	0/1	0/1
Egypt	3	2/1	0/1	2	0/2	0/2
India				1	0/1	0/1

State	2019			2020		
	Result of consideration			Result of consideration		
	Appeals in court	First instance court (granted/denied)	Court of appeal (granted/denied)	Appeals in court	First instance court (granted/denied)	Court of appeal (granted/denied)
Indonesia				1	0/1	0/1
Iraq	1	0/1	0/1	1	0/1	0/1
Jordan	1	0/1	0/1			
Kazakhstan				1	0/1	0/1
Latvia	1	0/1				
Lithuania				1	0/1	
Mali/Congo				1	0/1	0/1
Mongolia				1	0/1	0/1
Nigeria				1	0/1	0/1
Russian Federation	3	0/3		7	0/7	
South Africa	1	0/1	0/1			
Sri Lanka	1	0/1	0/1	1	0/1	
Togo	1	0/1	0/1			
Turkey	2	0/2	0/2	2	0/2	0/1
Ukraine				3	0/3	0/1
<b>Total</b>	<b>44</b>	<b>2/42</b>	<b>0/34</b>	<b>29</b>	<b>0/29</b>	<b>0/12</b>

## Article 6

### Access to justice

92. Article 60 of the Constitution states that all persons are entitled to the protection of their rights and freedoms by a competent, independent and impartial court within the time limits specified by law.

93. Judicial power in Belarus is exercised solely by the courts in the person of the judge and the lay judges called upon to administer justice in the manner prescribed by law.

94. Judicial power is exercised through constitutional, civil, criminal, administrative and commercial legal proceedings.

95. The proceedings in all courts are public. Closed hearings are allowed only in cases prescribed by law and in accordance with the rules of legal proceedings.

96. Article 62 of the Constitution states that everyone has the right to legal assistance to defend his or her rights and freedoms, including the right to make use, at any time, of the assistance of lawyers and other representatives in court, other public bodies, local authorities, enterprises, institutions, organizations and voluntary associations and in relations with officials and citizens. In the instances specified by law, legal assistance is publicly funded.

97. In accordance with article 12 of the Code of Civil Procedure, citizens are equal before the law and the courts regardless of their origin, social or financial status, race or ethnicity, sex, education, language, attitude to religion, political or other convictions, type or nature of occupation, place of residence, length of residence in a particular location or other circumstances.

98. Under article 20 of the Code of Criminal Procedure, all parties to criminal proceedings are equal before the law and are entitled without discrimination to equal protection of their rights and legitimate interests. Criminal proceedings are based on the principle of the equality of citizens before the law irrespective of their origin, social, official status, property, race or ethnicity, political or other convictions, attitude to religion, sex, education, language, type or

nature of occupation, place of residence or other circumstances. In accordance with article 20 (3), no one may enjoy advantages and privileges that are contrary to the law.

99. Provisions prohibiting racial discrimination and discrimination on other grounds are also contained in article 1.6 of the Code of Administrative Offences. Under article 1.6 (1), persons who have committed administrative offences are equal before the law and incur administrative liability irrespective of their sex, race, ethnicity, language, origin, nationality, financial or official status, place of residence, convictions, attitude to religion, membership of voluntary associations or other circumstances.

100. Belarusian legislation provides for the right of all citizens to bring an action before the courts for fair and adequate compensation for any damage. Article 60 of the Constitution provides that citizens are entitled in accordance with the law to seek compensation for both material and moral harm through the courts.

101. The legislation in force provides adequate protection from all forms of racial discrimination for all persons residing in Belarus. It is noteworthy that, during the reporting period, no court cases involving compensation for material or moral harm in connection with acts of discrimination or xenophobia were recorded.

## **Article 7**

### **Measures to improve inter-ethnic relations**

#### **Education and teaching**

102. Ethnic minorities in Belarus enjoy the right to study their native languages alongside the official languages of the country, Belarusian and Russian.

103. The Education Code contains provisions on the language of instruction for ethnic minorities. For example, in accordance with the wishes of students and their legal representatives, by decision of local authorities and administrative bodies and with the agreement of the Ministry of Education, classes or groups in which instruction is provided in the language of an ethnic minority or the language of an ethnic minority is studied may be established in preschools and general primary and secondary education establishments.

104. The Ministry of Education has approved curricula that include options to study the languages and literatures of ethnic minorities or instruction in ethnic minority languages.

105. The general primary and secondary education establishments of Belarus offer Hebrew, Polish and Lithuanian language courses. School advisory boards for the Belarusian minority in Lithuania and Poland and the Lithuanian and Polish minorities in Belarus have been set up and are operating in the three countries.

106. There are four general primary and secondary education establishments in which instruction is provided in the languages of ethnic minorities: two Polish-language schools (in Hrodna and Vawkavysk) and two Lithuanian-language schools (in the villages of Pelyasa and Rymdzyuny in Hrodna Province). Furthermore, public school No. 9 in Brest runs classes for first- to fourth-year pupils in which instruction is provided in Polish. Some 1,118 students are taught in these ethnic minority languages (998 in Polish and 171 in Lithuanian). More than 350 school students in general education establishments take Hebrew classes.

107. The education boards and departments of the provincial, city and district executive committees and the Committee on Education of the Minsk City Executive Committee provide the necessary support for the work of general primary and secondary education establishments in which ethnic minority languages are studied or instruction is provided in ethnic minority languages. Ninth- and eleventh-year students whose medium of instruction is an ethnic minority language take an additional final examination in that language.

108. Higher education establishments offer training for Polish, Ukrainian and Lithuanian language teachers.

109. In 2019, the Office of the Commissioner for Religious and Ethnic Affairs published the fifth edition of a short guide in Belarusian, Russian and English, entitled “Multi-ethnic



Belarus”, which recounts the histories of the ethnic groups whose members currently live in Belarus.

### **Culture**

110. The Constitution establishes the right of all citizens to participate in cultural life and makes the State responsible for the preservation of the country’s historical, cultural and spiritual heritage and free development of the cultures of all ethnic communities living in Belarus (arts. 15 and 51). Foreign nationals and stateless persons in Belarus have the right to preserve and develop their ethnic language and culture and to observe their ethnic traditions and customs in accordance with the legislation of Belarus (Act on the Legal Status of Foreign Nationals and Stateless Persons in Belarus, art. 15).

111. In accordance with article 6 of the Ethnic Minorities of Belarus Act, the State upholds the right of Belarusian citizens from ethnic minorities to State assistance for the development of their ethnic culture and education.

112. In accordance with the Culture Code, which entered into force on 3 February 2017, citizens who are resident in Belarus and are members of ethnic communities or have a different cultural background have the right to preserve and develop their ethnic culture, raise their children in their ethnic cultural traditions, use their native language and establish cultural ties with members of relevant ethnic communities living abroad, if this is not prohibited by law. All citizens have a guaranteed right to cultural identity and to revitalize, preserve and develop their ethnic cultural traditions (art. 39).

113. Under the Culture Code, free development for the cultures of all ethnic communities living in Belarus is a principle of social relations in the field of culture (art. 2).

114. The Code provides that culture is recognized as one the main elements of intergenerational continuity and identity for the Belarusian people and ethnic communities living in Belarus and as the foundation of personal growth and development (art. 2).

115. In accordance with the Act on Languages in Belarus, persons from ethnic minorities living in Belarus have the right to receive an education in their native languages (art. 21). Belarus supports the free development and use of ethnic languages that are used by the people of the country (art. 2, third paragraph). Citizens have the right to use their native languages and to choose their language of communication (art. 3). Public contempt for or denigration of official or other ethnic languages, obstruction or restriction of their use and the incitement of hatred on linguistic grounds are punishable by law (art. 6, second paragraph).

116. The National Centre for Ethnic Cultures, a government institution, has been set up and is operating in Belarus.

117. The National Centre for Ethnic Cultures regularly provides information, guidance and advice to ethnic associations in Belarus for their cultural and educational activities, coordinates efforts to improve and give effect to the procedures and working methods used by culture and arts bodies and institutions in reviving, preserving and developing the cultures of ethnic minorities in Belarus, facilitates the establishment of creative links and the organization of joint activities with academic institutions working on the cultural heritage, ethnography and folklore of ethnic groups in Belarus and, together with ethnic cultural and educational associations, provides organizational, financial and technical support and offers opportunities for individual and group artistic activities and organizes leisure activities for members of various ethnic groups.

118. The Council of the National Centre for Ethnic Cultures has been set up as its public advisory body. It is made up of members of registered ethnic cultural and educational associations. The Council reviews and makes recommendations on the work planning of the National Centre and the holding of inter-ethnic cultural and educational events.

119. Funding for the National Centre is provided from the national budget.

120. Members of ethnocultural voluntary associations take an active part in public holidays and socially significant events at the national and local levels, organize the Ethnic Culture Days and celebrate ethnic festivals.

121. An extremely popular event that brings together all the peoples of Belarus, the National Festival of Ethnic Cultures, is held every two years in Hrodna, in the interests of supporting ethnic and cultural diversity. There is no other festival like it anywhere in the world. For children, there is the Sonečny Ptach festival of ethnic cultures.

122. In addition to the nationwide festivals, provincial, district and municipal ethnic cultural festivals are regularly organized by ethnic communities with the involvement of local authorities and administrative bodies (the Kaziuki crafts festival in Hrodna, the Polonez festival in Slonim and the “Augustów Canal in the Culture of Three Peoples” festival in the Hrodna district).

123. Ethnocultural voluntary associations, with State support, make significant contributions to the development of traditions of good neighbourliness, mutual respect and cultural and social dialogue among citizens from different ethnic groups.

### Information

124. The media play an important role in shaping public opinion, bringing society together, preserving interfaith and inter-ethnic peace and harmony and promoting a culture of good inter-ethnic relations, tolerance, internationalism and patriotism.

125. In the national and regional media, Belarus continuously works to ensure coverage of the development of religion in the country, traditions of religious tolerance and major religious festivals and events. This material is published in the society and culture sections of *SB – Belarus segodnya*, the “My Country” and lifestyle sections of *Respublika*, the society, faith and spirituality and culture sections of *Narodnaya gazeta*, the society and culture sections of *Selskaya gazeta* and other publications. National digital media cover these issues in factual, analytical and thematic programmes and news broadcasts.

126. A national educational expedition called “Route to the Shrines”, with the Holy Fire from the Tomb of Christ, is traditionally held as part of the Day of Belarusian Letters, with participation by artists, academics and members of the clergy. The expedition travels around the towns and villages of several regions of the country and ends in the city where the festival will be held. In 2019, the expedition took place from 28 to 31 August and passed through a number of districts in Minsk, Hrodna and Brest Provinces before ending in Slonim. In 2020, the dates were 2 to 6 September. The route of the expedition went through Minsk, Brest and Mahilioŭ Provinces. The expedition ended in Byalynichy, Mahilioŭ Province, the city hosting the 2020 Day of Belarusian Letters.

127. The national digital and print media regularly cover the implementation of State policies on ethnic matters and advocacy for a culture of good inter-ethnic relations, tolerance, internationalism and patriotism. This subject is reflected in factual and analytical programmes on the main national channels, including *Panorama*, *Main Broadcast* and *News* on Belarus 1, *Our News*, *Our Morning* and *Outlines* on ONT, *News 24*, *Week*, *Minsk Area*, *Morning STV*, *Capital Details* and *Special Report* on STV, *News Belarus* and *New Morning* on Russia-Belarus and the *View on Belarus* project on Belarus 24. A television programme completely devoted to this subject is broadcast on Belarus 3.

128. In national print media, materials on this subject are included in different sections and thematic pages or supplements, including the society, culture and “In Search of Lost Time” sections of *SB – Belarus segodnya*, the “My Country”, lifestyle and culture sections of *Respublika*, the society, culture, “People’s Estate” and faith and spirituality sections of *Narodnaya Gazeta*, the society, culture and regional sections of *Selskaya gazeta*, the “Igumienski trakt”, “Žyrandolia”, “Historyja i etnagrafija” and “Krayznaŭstva” sections of *Zviazda*, *Беларусь*. Belarus magazine and the *Holas Radzimy* newspaper. All these materials are also published on the websites of the television and print media outlets. (Ministry of Information).

129. The Union State of Belarus and Russia continues to publish print media, namely the sociopolitical newspapers *Soyuz Belarus-Rossiya* (a publication of the Council of Ministers of the Union State, which is published by the editorial staff of *SB – Belarus segodnya* and *Rossiiskaya gazeta*) and *Soyuznoe veche* (the newspaper of the Parliamentary Assembly of

the Union of Belarus and Russia, which is published as a supplement to *Narodnaya gazeta* in Belarus and as part of *Komsomolskaya pravda* in the Russian Federation).

130. With a view to developing cooperation between Belarus and foreign countries, the Zviazda publishing house is continuing its work of adding content to sozvuchie.by, an international humanities portal for literature and journalism from the Commonwealth of Independent States (CIS) countries. Sozvuchie.by is the only project in the post-Soviet area focused on strengthening literary and cultural ties among CIS countries.

131. The State media devotes special attention to material aimed at preserving, reviving and supporting the cultures, languages, customs and holidays of different ethnic groups and at bringing them together through a common spiritual tradition. Every year, the media widely covers the “Call of Polesia” international festival of ethnic cultural traditions, the midsummer festival known as Kupallie, the national festival of ethnic cultures (in Hrodna), the “Slavic Bazaar in Viciebsk” international festival of art and other events.

132. A competition among journalists of the print and broadcast media for the best reporting on issues involving inter-ethnic and interfaith relations, intercultural dialogue and cooperation with compatriots abroad, organized by the Office of the Commissioner for Religious and Ethnic Affairs and the Ministry of Information, is held every year to ensure up-to-date coverage in the media of these topics.

### **III. Comments on the Committee’s concluding observations**

133. In its concluding observations of 21 December 2017 ([CERD/C/BLR/CO/20-23](#)), the Committee expressed some concerns and made recommendations on several issues that are addressed in this section.

#### **Follow-up information relating to paragraph 7 of the concluding observations**

134. The ethnic origin of a citizen of Belarus is not recorded in any way, directly or indirectly, in any document. However, ethnic origin may be noted in a citizen’s passport at his or her own request, in accordance with paragraph 22 (2) of the rules on identity documents, as approved by the Presidential Decree of 3 June 2008 on the documentation of the population of Belarus.

135. The population census of Belarus is the source of information on the ethnic composition of the population. When the population census of 2019 was conducted, respondents were asked: “What nationality (ethnicity) do you consider yourself to be?” The box was filled in exclusively by self-identification, if the respondent so wished. Parents determined the ethnicity of their children.

#### **Follow-up information relating to paragraph 9 of the concluding observations**

136. In accordance with article 8 (1) of the Constitution, Belarus recognizes the precedence of the generally recognized principles of international law and ensures that its legislation is consistent with them. Article 1 (3) of the Criminal Code states that the Code is based on the Constitution and on the generally recognized principles and rules of international law.

137. As far as the criminal prosecution of racial discrimination is concerned, the provisions of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination are given effect by the criminalization of incitement to racial, ethnic, religious or any other social hostility or discord (Criminal Code, art. 130) and also by making the commission of a crime motivated by racial, national, or religious hatred or discord an aggravating circumstance and, in some cases (premeditated murder or intentional infliction of grievous bodily harm), an element of a crime entailing stricter penalties.

138. The absence in verdicts of direct references to the provisions of the Convention does not demonstrate a failure of Belarus to fulfil the obligations it undertook when it ratified the treaty. There have been cases of prosecutions for the commission of illegal acts with racial discrimination as one of the motives. Statistical data are supplied in paragraphs 51–52 of the report. Specific examples are given in the paragraphs below.

139. On 5 August 2019, the Hrodna Provincial Court sentenced Y. under article 130 (1) of the Criminal Code to 2 years' deprivation of liberty to be served in a strict regime correctional colony. He was found guilty of intentional acts aimed at inciting racial, ethnic or other social hostility or discord on the grounds of racial, ethnic or other social origin. The court found that Y. had disseminated the idea of the exclusivity, superiority or inferiority of citizens on grounds of their race, ethnicity or social origin, in order to incite racial, ethnic or social hostility or discord, by posting on the Internet extremist video clips and images that disparaged a person or a group on grounds of their ethnicity, that contained provocative statements urging violence against this or that group of persons on the grounds of ethnicity and that promoted Nazism, racial discrimination and forms of social and psychological hostility towards members of groups singled out on racial, ideological, ethnic or territorial grounds. The posts were available and viewed by users until law enforcement officers cracked down on these criminal acts on 5 January 2017.

140. On 27 February 2019, the Brest Provincial Court (by a verdict amended by a decision of the Judicial Board for cases of the Supreme Court of 11 June 2019) sentenced B. under articles 130 (1), 339 (1), 343 (2), 139 (2) (1), (6) and (14), 71 (1) and 72 (3) of the Criminal Code to 23 years' deprivation of liberty to be served in a strict regime correctional colony. The court found B guilty of committing acts aimed at inciting racial, ethnic or religious hostility or discord on the grounds of racial, ethnic or religious affiliation, attempted murder motivated by ethnic hostility and discord, murder committed with cruelty and motivated by ethnic hostility and discord, and other crimes. The court found that, between 18 June 2014 and 16 January 2018, B., an adherent of neo-Nazism, fascism, racism and extreme nationalism, repeatedly posted on the Internet openly accessible images and video clips aimed at inciting racist and ethnic hostility and discord. As he harboured feelings of hatred and intolerance towards persons of Roma ethnicity and with the aim of deliberately taking the lives of (murdering) two persons from the Roma community for reasons of ethnic hostility and discord, he attacked two persons with a knife in Kobryn on 11 February 2018. He stabbed one of them at least four times, in the head, abdomen and other parts of the body, thereby causing him grievous bodily harm such as to endanger his life. He stabbed the second person at least twice in the head and ribs. One person died shortly afterwards from the physical injuries received. B. did not manage to carry out his intention to kill the two persons because the second victim received timely medical assistance.

141. On 6 February 2020, the Minsk Municipal Court sentenced K. under articles 130 (1) and 328 (1) and in accordance with articles 72 (2) and 73 (1) to 5 years 6 months' deprivation of liberty to be served in a strict regime correctional colony. The convicted person was found guilty of intentional acts aimed at inciting racist, ethnic and other social hostility on the grounds of ethnic origin. The court found that K. intended to commit acts aimed at creating and reinforcing a negative stereotype and an unfavourable image of persons from other racial or ethnic backgrounds and creating hostility and feelings of abhorrence and hatred towards persons from other racial or ethnic backgrounds by publicizing acts committed by him in the wish to attract the attention of the widest possible audience to the news disseminated by him. He posted a video recording on his personal page on the VKontakt social network, which consisted in a video film conveying a hostile social and psychological attitude and expressing threats of punishment (reprisals) by the "Russian national socialist group" against a non-Russian ethnic group, accompanied by Nazi symbols. This video film was accessible for viewing by an undetermined number of Internet users until law enforcement officers stopped the illegal activity.

## Follow-up information relating to paragraph 11 of the concluding observations

142. Under article 36 (2) of the International Agreements Act of 23 July 2008, the legal standards contained in international treaties to which Belarus is a party are directly applicable, except in cases when it follows from the international treaty that the adoption (promulgation) of a law or regulation is required for the application of such standards. In the absence of the notion of racial discrimination in the national legislation, guidance is provided by the provisions of article 1 (1) of the Convention.

143. Article 190 of the Criminal Code is one means of affording citizens legal protection from discrimination in that it provides for criminal responsibility for the intentional direct or indirect violation or restriction of rights or freedoms, or for the granting of direct or indirect privileges to citizens, on the basis of gender, race, ethnicity, language, origin, property, official status, place of residence, attitude to religion, beliefs or membership of a voluntary association in such a way as to substantially affect the rights, freedoms and legitimate interests of a citizen, or of his or her family. This crime breaches citizens' constitutional rights embodied in article 22 of the Constitution, in accordance with which all persons are equal before the law and possess the right, without any discrimination, to the equal protection of their rights and legitimate interests. Thus, Belarusian legislation makes discrimination, including racial discrimination, a criminal act.

144. The legislation of Belarus, in particular articles 16 (5) and 130 of the Criminal Code, provides for the criminal prosecution of incitement to racial discrimination perpetrated by any person who is competent to stand trial and over 16 years of age. Article 130 (2) of the Criminal Code establishes specific liability for a public official who commits this crime using his or her official powers. Criminal responsibility applies to certain members of "racist organizations" insofar as that they commit unlawful acts.

145. The commission of offences or crimes motivated by racist, ethnic or religious discord is deemed to be an aggravating circumstance by article 7.3 of the Code of Administrative Offences and article 64 of the Criminal Code.

146. In addition, under the Criminal Code, the following are considered to be a crime:

(1) Acts aimed at the planned destruction of all or part of any racial, national, ethnic or religious group or groups determined on the basis of any other arbitrary criterion and committed through the killing of members of that group, causing them grievous bodily harm, or deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, forcibly transferring children from one ethnic group to another, or imposing measures intended to prevent births within the group (Criminal Code, art. 127 (Genocide));

(2) Deportation, unlawful detention, enslavement, mass or systematic extrajudicial executions, abduction of persons followed by their disappearance, torture or subjection to acts of cruelty, committed in connection with the racial, national or ethnic origin, political convictions or religious beliefs of citizens (Criminal Code, art. 128 (Crimes against the security of humankind));

(3) Intentional acts aimed at inciting racial, ethnic, religious or other social hostility or discord on grounds of racial, ethnic, religious, linguistic or other social origin (Criminal Code, art. 130), as well as intentional acts to rehabilitate Nazism (Criminal Code, art. 130<sup>1</sup>);

(4) Murder motivated by racial, ethnic or religious hostility or discord, political or ideological hostility, or by hostility or discord with respect to any social group (Criminal Code, art. 139 (2) (14));

(5) Intentionally causing grievous bodily harm motivated by racial, ethnic or religious hostility or discord, or political or ideological hostility, or by hostility or discord with respect to any social group (Criminal Code, art. 147 (2) (8));

(6) Assault, bullying or cruel treatment of a person who has the status of a member of the armed forces, or forcibly using a person who has the status of a member of the armed

forces for personal interests, and extortion or removal from that person of items of military equipment, committed by a person who had the status of a member of the armed forces who is not in a subordinate position to the victim, when such acts are motivated by racial, ethnic or religious hostility or discord, or political or ideological hostility, or by hostility or discord with respect to any social group (Criminal Code, art. 443 (2)).

147. The prohibition of racial discrimination is contained in all legislative acts covering specific sectors (labour relations, mass media activities, advertising, performance of public services, etc.).

148. Among steps to implement the recommendations of the second cycle (2015–2020) of the universal periodic review of the Human Rights Council, the National Centre for Legislative and Legal Research carried out a study entitled “Analysis of legislative acts in terms of the necessity to strengthen the normative requirements in them regarding the inadmissibility of discrimination on any grounds and determination of the advisability of drafting comprehensive legislation on the prohibition of such discrimination”. As a result of this study, the Centre proposed a mechanism for the further improvement of equality legislation to combat discrimination, which will be implemented taking account of national approaches to the framing of legislation in Belarus.

### **Follow-up information relating to paragraph 13 of the concluding observations**

149. Belarus has a well-developed system of specialized bodies bringing together the State and civil society to protect and promote various categories of human rights, including the National Commission on the Rights of the Child, the National Council on Gender Policy, the National Interdepartmental Council on Disability, the Inter-Ethnic Advisory Council, the Interfaith Advisory Council, the National Council on Labour and Social Affairs, the Public Coordinating Council on the Mass Media, Public Coordinating Council on the Environment and others.

150. In order to give effect to article 33 of the Convention on the Rights of Persons with Disabilities, a bill on the rights of persons with disabilities and their social integration provides for action by a standing collegial body, the National Interdepartmental Council on the Rights of Persons with Disabilities. To enable it to work more effectively and to promote, protect and monitor the fulfilment of the rights of persons with disabilities at the local level, it is proposed to establish permanent local interdepartmental councils on the rights of persons with disabilities. These councils will include representatives of associations of persons with disabilities.

151. The Act on Appeals of Citizens and Legal Persons, of 18 July 2011, plays an important role in the protection of human rights in Belarus. It regulates the procedure enabling citizens and legal persons to realize their right to complain to State bodies and other organizations in order to protect rights and freedoms and/or legitimate interests. The Act sets out the rights and obligations of petitioners, the procedure for submitting written, electronic and oral communications, the procedure for organizing a personal appointment, arrangements for the representation of petitioners, the time frames for considering communications and the process for the consideration of different types of communication.

152. Lessons learned from the work of national human rights institutions show that the establishment of such an institution must be accompanied by the allocation of adequate resources for the satisfactory discharge of its mandate. Taking into account both the activities of existing specialized State-public institutions for the protection and promotion of various categories of human rights and the economic factor, Belarus will continue to study international experience with the functioning of human rights institutions and consider the question of the feasibility and advisability of supplementing them with an institution in the spirit of the Paris Principles.

### **Follow-up information relating to paragraph 15 of the concluding observations**

153. The principle of equality before the law is embodied in article 22 of the Constitution, according to which everyone is equal before the law and has the right, without any discrimination, to the equal defence of his or her rights and legitimate interests.

154. The implementation of this principle in the law on criminal procedure has been reflected in the provisions of article 20 of the Code of Criminal Procedure (Equality of citizens before the law and equal defence of their rights and legitimate interests). Under article 20 (2) of the Code, proceedings on the merits in a criminal case are based on citizens' equality before the law, irrespective of their origin, social, official status, property, race, ethnic origin, political or other beliefs, attitude to religion, gender, education, language, type of occupation, place of residence or other circumstances.

155. Participants in criminal proceedings are given additional guarantees of their effective exercise of their rights through provisions governing criminal procedure that grant the right to persons who do not speak the language, or who have an insufficient command of the language in which criminal proceedings are being held, to use their first language, a language in which they are proficient, or to use the free services of an interpreter (Code of Criminal Procedure, art. 21), that require the obligatory participation of defence counsel in the case of certain categories of suspects or accused persons, including those who do not speak the language in which the criminal proceedings are being held (Code, art. 45), that concern the charging of lawyers' fees to the local budget and, in cases specified by law, that exempt suspects or the accused from payment for legal assistance (Code, art. 46).

156. It must also be noted that, in accordance with the law, a citizen has the right to legal aid from the resources of the national budget if he or she is deemed to be a victim of trafficking in persons or a victim of an act of terrorism (Bar and Advocacy Act of 30 December 2011, art. 28, and Trafficking in Persons Act of 7 January 2012, art. 20).

157. Hence a victim of a crime motivated by racial hatred or discord has all the rights granted under criminal procedural law for the defence of his or her rights and legitimate interests, including the right to legal assistance (paid from State resources in certain cases specified by the law).

158. The mechanism for appealing against or challenging the action or decisions of the body conducting the criminal proceedings is embodied in chapter 16 of the Code of Criminal Procedure. The action or decisions of a body conducting criminal proceedings may be challenged, in accordance with the procedure laid down in the Code, by participants in criminal proceedings and by other natural and legal persons, if procedural actions or decisions affect their interests. Complaints may be filed with the procurator, the head of the investigative department or the court.

159. Current legislation (for example the Code of Civil Procedure, the Procurator's Office Act of 8 May 2007 and the Act on Appeals of Citizens and Legal Persons of 18 July 2011) enables victims of racial discrimination to file an appeal with the higher authority to which the authority that has committed the act of discrimination reports, the procurator's office or the court. Appeals to higher authorities and the prosecutor's office are free of charge and there are minimal formal requirements with regard to the content of such appeals. Victims may submit complaints orally, in writing or electronically.

### **Follow-up information relating to paragraphs 17–18 of the concluding observations**

160. The information concerning this recommendation was supplied in paragraphs 44–52 of this report.

161. The commission of a crime (offence) motivated by racial or ethnic hostility or discord is qualified as an aggravating circumstance in the provisions of both the Criminal Code (art. 64) and the Code of Administrative Offences (art. 7.3).

162. The staff of the Office of the Procurator General, whose official duties include supervision of the implementation of the law during investigations of crimes and offences motivated by race, gender or ethnicity, take part in various measures to exchange best practices. Every year further training sessions on selected issues are held at the International Basic, Further and Refresher Training Centre on Migration and Combating Human Trafficking which has been established within the Academy of the Ministry of Internal Affairs. The participation of the staff of the Office of the Procurator General in such measures helps them to carry out a number of tasks including those related to complying with the requirements of the Convention: (a) advanced training in certain aspects of supervising prosecutions; (b) familiarization with international experience and the latest methods of combating specific crimes; and (c) establishing and improving the effectiveness of mutually beneficial cooperation with international organizations and the law enforcement agencies of foreign States.

163. On 15 and 16 May 2019, the above-mentioned international centre and OHCHR jointly ran a seminar for the staff of law enforcement agencies on the prevention of discrimination during the holding of mass sporting events.

### **Follow-up information relating to paragraph 20 of the concluding observations**

164. Belarus is constantly stepping up its efforts to combat human trafficking. Steps are being taken in Belarus to combat trafficking in persons and protecting victims of such trafficking under the State programme for combating crime and corruption.

165. Belarus is a party to all the universal United Nations conventions against trafficking in persons and to the Council of Europe Convention on Action against Trafficking in Human Beings.

166. The amendments of the Trafficking in Persons Act came into force in June 2015. They widen the definition of human trafficking, define the basis for identifying victims of trafficking and referring them for rehabilitation and establish a 30-day time limit within which victims may undergo rehabilitation and consider a decision to apply to the criminal prosecutorial authorities.

167. Furthermore, in pursuance of the Act, on 11 June 2015 the Council of Ministers adopted Decision No. 485 on the identification of victims of human trafficking. This decision lays down uniform procedures for State bodies and other organizations for the identification of victims of human trafficking, the form of the questionnaire and the procedure for completing it by a citizen who may have suffered from human trafficking or crimes related to it, and the procedure for providing the information contained in it.

168. The Act amending the Criminal Code, the Code of Criminal Procedure, the Penalties Enforcement Code, the Code of Administrative Offences and the Code of Administrative Procedure and Enforcement of 5 January 2015 provides for the amendment of article 181 (Trafficking in persons) of the Criminal Code, whose provisions have been made consistent with those of the Council of Europe Convention on Action against Trafficking in Human Beings and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

169. Criminal responsibility for paedophilia has also been strengthened. A paragraph 2 has been introduced into article 168 of the Criminal Code, according to which actions committed by a person who has previously committed the crimes referred to in articles 166 (Rape) and 167 (Violent acts of a sexual nature) of the Criminal Code, either against two or more persons, or by a person who has a duty to educate, maintain and ensure the life, health and safety of a minor, or of groups of persons, are punishable by deprivation of liberty for between 3 and 10 years. The question of introducing criminal responsibility for the possession or collection of child pornography and for grooming is being considered.

170. In accordance with article 3 (5) of the Criminal Code, a person bears criminal responsibility only for the socially dangerous acts (or omissions) committed by him or her,



or which have entailed the socially dangerous consequences referred to in the Criminal Code, of which he or she has been found guilty. There is no criminal responsibility for innocently causing harm.

171. In the current situation, the criminal actions of traffickers often border on trafficking in persons without being trafficking. For this reason, in Belarus trafficking in persons and other forms of trafficking is criminalized not only by article 181 of the Criminal Code but also by articles 171 (Organization and/or exploitation or facilitation of prostitution), 171<sup>1</sup> (Enticement to engage in prostitution or compulsion to continue to engage in prostitution), 181<sup>1</sup> (Use of slave labour), 182 (2) (4) (Abduction) when these acts are aimed at the exploitation of persons, 187 (Unlawful acts related to the employment of citizens abroad) when such acts lead to human exploitation abroad, and article 343<sup>1</sup> (2) and (3) (Production and distribution of pornographic materials and items of a pornographic nature depicting minors), where a child is used as a “model” or “actor” in a pornographic film. The offences established to in articles 171, 171<sup>1</sup> and 343<sup>1</sup> of the Criminal Code concern sexual exploitation exclusively, those established to in article 181 concern solely labour exploitation, whereas those established to in articles 181, 182 and 187 involve sexual, labour and any other possible exploitation. The maximum penalty under the aforementioned articles is 15 years’ deprivation of liberty.

172. In Belarus, 19 cases of trafficking in persons and 689 crimes linked to human trafficking were detected in the period 2013–2019, respectively as follows: 2013, 6 and 65; 2014, 0 and 50; 2015, 1 and 98; 2016, 1 and 151; 2017, 1 and 106; 2018, 6 and 130; and 2019, 4 and 89. The results of law enforcement action to counter trafficking in Belarus over the period 2013–2016 and at present do not indicate any slackening in the State’s offensive against it; they meet legal requirements and address current reality. By the end of 2020, there had not been any cases of trafficking in persons in Belarus. The overall number of crimes linked to human trafficking fell in comparison with 2019 to stand at 61.

173. In the period 2016–2020, three persons were prosecuted for trafficking in persons (in 2019, under article 181 of the Criminal Code) and 292 persons were prosecuted for crimes related to trafficking in persons. In particular, convictions under article 171 of the Criminal Code (Organization and/or exploitation or facilitation of prostitution) were as follows: in 2016, 38 persons; in 2017, 31 persons; in 2018, 28 persons; in 2019, 31 persons; and in 2020, 27 persons. Convictions under article 171<sup>1</sup> of the Criminal Code (Enticement to engage in prostitution or coercion to continue to engage in prostitution) were as follows: in 2018, 1 person; and in 2019, 2 persons. In 2016, 2017 and 2020 there were no prosecutions under this article. There were no prosecutions under articles 181<sup>1</sup> (Exploitation of slave labour) or 187 (Unlawful acts aimed at the employment of citizens abroad). Convictions under article 182 of the Criminal Code (Kidnapping) were as follows: in 2016, 5 persons; in 2017, 22 persons; in 2018, 8 persons; in 2019, 4 persons; and in 2020, 3 persons. Convictions under 343<sup>1</sup> of the Criminal Code (Production and distribution of pornographic material or items of a pornographic nature containing images of minors) were as follows: in 2016, 19 persons; in 2017, 20 persons; in 2018, 23 persons; in 2019, 9 persons; and in 2020, 21 persons.

174. Legislation provides for the following types of free State assistance for the victims of trafficking in persons: temporary accommodation, including board and lodging; legal assistance, including free assistance by legal counsel; medical care (as determined according to a list of the Ministry of Health), including on an inpatient basis, regardless of the victim’s place of permanent residence; counselling; identification of the family of minors who are victims of trafficking in persons or their placement with a foster family, or if that is not possible, in a children’s home; assistance with finding permanent employment; and material assistance.

175. A network of “crisis rooms” has been set up in Belarus to assist victims of human trafficking or violence. On 1 January 2013, 50 such rooms were in operation; on 1 January 2021 that number had risen to 138.

176. Every case of trafficking in persons that is detected, along with crimes related to it, is promptly and thoroughly investigated. The maximum penalty for human trafficking is 15 years’ deprivation of liberty. When the crimes referred to in the various articles of the special

section of the Criminal Code are committed, the final sentence consists of the aggregate of all or part of the penalties imposed for each of the crimes included in the total.

177. On 16 October 2019, the Ushachy District Court, (by a verdict amended by a decision of the Judicial Board for Criminal Cases of the Vitebsk Provincial Court of 24 December 2019) sentenced A., R. and S. each to 20 years' deprivation of liberty. The accused were found guilty of trafficking in persons committed against persons known to be minors and in conjunction with other offences against sexual integrity and freedom and public morality. The court found that A. repeatedly paid S. and R. for the sexual exploitation and use of their daughters, aged 3 and 5, in the production of pornographic material.

178. In Belarus, the victims of trafficking in persons are citizens who have suffered from trafficking or crimes related to it. Between 2013 and 2016, 551 victims of trafficking were identified, 110 of whom were minors, and, between 2017 and 2019, 401 victims were identified, 93 of whom were minors.

### **Follow-up information relating to paragraph 22 of the concluding observations**

179. The independence of the judiciary in Belarus is a constitutional principle. In accordance with article 110 of the Constitution, in administering justice, judges must be independent and subject only to the law. Any interference in the work of judges in administering the law is inadmissible and punishable by law.

180. Judicial reform has been carried out in accordance with the Presidential Decree of 29 November 2013 on improving the judicial system, the Presidential Decree of 29 November 2013 on certain questions of the operation of the courts and the Presidential Decree of 29 November 2013 on certain questions of improving the enforcement of judicial decisions and other enforcement orders. A single system of courts of general jurisdiction began to operate in Belarus on 1 January 2014, which is made up of the Supreme Court, the provincial courts and the Minsk City Court, district and city courts, provincial economic courts and the Minsk City Economic Court.

181. The law guarantees the independence of judges and lay judges. Provisions establishing guarantees of the independence of judges and lay judges are contained in the Code of Economic Procedure (art. 12), the Code of Civil Procedure (art. 11), the Code of Criminal Procedure (art. 22), the Code on the Judicial System and the Status of Judges (art. 67) and the Code of Administrative Procedure and Enforcement (art. 2.13).

182. The independence of judges and lay judges is guaranteed through the statutory procedure for their appointment (or election and confirmation) and the suspension and termination of their powers, their inviolability, the procedure for the consideration of cases and issues, the confidentiality of the deliberations on the adoption of judicial decisions and the prohibition on requests for any lifting of that confidentiality, liability for contempt of court or interference in court activities, and other guarantees corresponding to the status of judges and lay judges, as well as the establishment of the necessary organizational and technical conditions for the work of the courts.

183. The exertion of any form of pressure on judges or lay judges with a view to obstructing the thorough, full and objective consideration of a specific case or obtaining the handing down of an unlawful judicial decision is punishable as prescribed by law.

184. The media may not prejudge the outcome of court proceedings in a given case in their coverage or otherwise influence the judge or lay judge.

185. Under article 4 of the Bar and Advocacy Act of 30 December 2011, the organization of the bar and the work of legal advocates is based on the following principles: provision of the constitutionally guaranteed right to legal assistance; due process of law; access to legal assistance; independence of lawyers in the exercise of their professional activities; lawyer-client privilege; use of all ways and means not prohibited by law to defend the rights, freedoms and interests of the client; maintenance of the quality of legal assistance; prohibition against interference in the professional work of lawyers by the bodies in charge

of criminal proceedings and other authorities, organizations and officials; and observance of the Lawyers' Rules of Professional Conduct. This Act governs other issues involving the legal profession and helps lawyers to fulfil their obligations effectively with a view to defending citizens' rights, freedoms and interests and ensuring access to justice.

### **Follow-up information relating to paragraph 24 of the concluding observations**

**(a)**

186. Under article 22 of the Constitution, all persons are equal before the law. This principle was incorporated into the criminal procedure law of Belarus through article 20 of the Code of Criminal Procedure (Equality of citizens before the law and equality of the protection of their rights and legitimate interests). Officials of all the country's law enforcement agencies strictly adhere to these principles.

187. Law enforcement agencies are prohibited by law from discriminating on racial or other grounds in the course of their activities. The equality of all citizens before the law is an underlying principle of the activities of the procuratorial bodies, the Investigative Committee and other law enforcement agencies.

188. Under article 6 of the Internal Affairs Agencies Act of 17 July 2007, the internal affairs agencies protect the life, health, rights, freedoms and legitimate interests of persons against criminal and other offences, regardless of their citizenship, social, property or other status, racial or ethnic origin, sex, age, education, language, attitude towards religion, political or other beliefs and other circumstances.

189. Similar provisions can be found in the laws and regulations governing the activities of all the law enforcement agencies of Belarus.

**(b)**

190. Article 10 of the Employment Act provides that the State creates the conditions for full employment and that State policy in the promotion of employment is aimed at guaranteeing equal opportunities for all citizens to exercise the right to work irrespective of gender, race, ethnic origin, language, religious or political convictions, participation or non-participation in trade unions or other voluntary associations, property or professional status, age, place of residence or physical or mental disabilities that do not impede the performance of employment functions or any other circumstances unrelated to professional qualities or to the specific functions or status of the worker. The right to work means the right to choose one's profession, type of occupation or job in accordance with one's vocation, capabilities, education and training, taking into account the needs of society, and to enjoy healthy and safe working conditions.

191. Presidential Decree No. 3 of 2 April 2015 on the prevention of social dependency has undergone major conceptual changes. In accordance with Presidential Decree No. 1 of 25 January 2018 amending a presidential decree, which entered into force on 27 January 2018, substantial amendments were introduced to Decree No. 3, and a new version of the instrument was presented under a new name: the Presidential Decree on the promotion of employment.

192. The provisions concerning the payment of a tax to finance State expenditure by unemployed citizens capable of work, and in particular the provisions concerning the initiation of administrative proceedings for failure to pay the tax, have been fully removed from the latest version of the Decree. This means that the provisions in question no longer have any legal force and are no longer applicable either in law or in practice.

193. The Decree on the promotion of employment is aimed at strengthening the efforts made by the authorities to provide citizens with the utmost assistance with job placement and at stimulating employment and self-employment. Its main objective is to create optimal conditions for employment at the local level, including by increasing labour market efficiency, supporting business initiatives, fostering self-employment and providing one-to-

one support to citizens who are currently unemployed or involved in the black economy but who are willing and able to gain a living by legitimate means.

194. The Decree provides for employment promotion measures to be implemented by the Government and local authorities. In this regard, emphasis is placed on strengthening the role of councils of deputies and local executive and administrative authorities.

195. In accordance with this Decree, local executive and administrative bodies:

- Assist citizens in securing existing and newly created jobs
- Provide one-to-one job placement support to citizens who face disadvantages in the labour market
- Organize training for citizens in the professions or trades currently in demand in the labour market
- Arrange temporary employment for citizens, including by creating opportunities for participation in paid community work
- Offer advice, guidance and legal assistance to unemployed persons, organize training for them on the legal and financial principles of business and offer them financial support in organizing their business and other activities
- Carry out extensive information campaigns to raise awareness of the social and labour guarantees afforded to citizens by the State, guide citizens towards lawful activities and carry out preventive work aimed at the resocialization of persons with asocial behaviour

(c)

196. Article 14 (1) of the Labour Code provides that discrimination – namely, the restriction of employment rights or the granting of any benefit on the basis of sex, race, ethnic or social origin, language, religious or political convictions, membership or non-membership in trade unions or other public associations, financial situation, official position, age, place of residence or physical or mental disabilities that do not hinder the performance of the job duties concerned or other circumstances unrelated to professional competence or not specified in the worker’s job description – is prohibited.

197. In accordance with article 10 of the Employment Act, State policy in the promotion of employment is aimed at guaranteeing equal opportunities for all citizens to exercise the right to work irrespective of gender, race, ethnic origin, language, religious or political convictions, participation or non-participation in trade unions or other voluntary associations, property or professional status, age, place of residence or physical or mental disabilities that do not impede the performance of employment functions or any other circumstances unrelated to professional qualities or to the specific functions or status of the worker.

198. Persons who believe that they have been subjected to discrimination in employment have the right to apply to the courts to end the discrimination.

(d)

199. In general secondary education establishments of Belarus, Roma children attend school in accordance with general practice. All requirements under the laws and regulations on general secondary education apply to them.

200. In cases where it is found that children have not attended classes, the education departments and boards of education, sport and tourism of the district and city executive committees petition the relevant authorities to impose penalties in accordance with the law against children’s legal representatives who have not taken the necessary steps to provide their children with a general basic education.

201. At general secondary education establishments in places with large Roma populations, efforts have been made to ensure the inclusion of children from Roma families in school life through participation in volunteer initiatives, interest groups, workshops on academic subjects, sports competitions and other activities.

202. Belarus prohibits the use in the media of negative stereotypes with respect not only to the Roma communities but also any other ethnic or social group or individual.

(e)

203. In Belarus, the principle of the equality of citizens before the law, regardless of their origin, race, ethnicity and citizenship, is strictly and universally observed. Paragraphs 134 and 135 of the report contain information on the collection of data on ethnicity.

### **Follow-up information relating to paragraph 26 of the concluding observations**

204. The Counter-Terrorism Act of 3 January 2002 does not target human rights defenders promoting the elimination of racial discrimination. The main reason for adopting the Act was the need to implement preventive measures for combating terrorism in view of the increased number of conflicts owing to terrorism in the world.

205. The provisions of the Act are not contrary to the articles of the Convention. Moreover, the Act was amended in 2002 in order to preclude a broad interpretation of the text. As a result, on 12 November 2012, the Act of 26 October 2012 amending certain national legislation on combating terrorism and extremism entered into force. Through this Act, amendments were also introduced in the Counter-Terrorism Act of 3 January 2002.

206. In particular, the concept of terrorism was completely revised: terrorism is now viewed not as an act but rather as a destructive phenomenon of the modern world. Thus, article 3 (10) of the Counter-Terrorism Act states that terrorism is a social and political criminal phenomenon consisting in the ideology and practice of using violence or the threat of violence to influence decision-making by the authorities, obstruct political or other public activities, provoke international tension or war, terrorize the population or disrupt public order.

207. An individual act of terrorism is an outward expression of terrorist ideology. Article 3 (12) of the Act establishes that an act of terrorism should be understood to mean the causing of an explosion, fire or flooding or the commission of other acts that pose a danger to public safety or create a risk of death, bodily harm or other serious consequences for terrorist purposes. Accordingly, the key to defining an act of terrorism is the presence of a specific terrorist purpose. In this connection, an act that poses a danger to public safety can only be classed as an act of terrorism when it is committed for the following purposes:

- Influencing decision-making by the authorities
- Obstructing political or other public activities
- Terrorizing the population
- Destabilizing public order

208. The Counter-Terrorism Act lists other crimes of a terrorist nature which constitute an exceptional danger to modern society and which, if carried out, cause massive loss of life and destruction of material and spiritual values.

209. From 2016 to 2020, no one in Belarus was convicted under the following articles of the Criminal Code: 124 (Act of terrorism against a member of a foreign Government or international organization); 126 (Act of international terrorism); 289 (Act of terrorism); 290 (Threat to commit an act of terrorism); 290<sup>1</sup> (Financing of terrorist activity); 290<sup>3</sup> (Undergoing training or other preparation for participation in a terrorist organization); 290<sup>4</sup> (Establishment of an organization for conducting or participating in terrorist activity); 290<sup>5</sup> (Organization of activities of terrorist organizations or participation in the activities of such organizations); 359 (Act of terrorism against a State official or public figure); and 361 (Calls for action aimed at causing harm to the national security of Belarus).

210. In 2020, one person was convicted of multiple offences under articles 290<sup>4</sup>, 290<sup>1</sup>, 290<sup>2</sup> and 130 of the Criminal Code (Participation in an organization set up to carry out terrorist activity, Financing of terrorist activity, Facilitating terrorist activity and incitement to racial,

ethnic, religious or other social animosity or discord), and one person was convicted under article 291 of the Criminal Code (Hostage-taking).

211. To prevent the dissemination of extremist material in Belarus, the Council of Ministers adopted decision No. 810 of 21 August 2014 on expert commissions for assessing content for the presence (or absence) of signs of extremism in it.

212. In accordance with that decision, in 2014, a system of commissions was set up to analyse content for the presence (or absence) of signs of extremism. Between October 2014 and 10 June 2021, the National Expert Commission for the assessment of content for the presence (or absence) of signs of extremism attached to the Ministry of Information conducted a study of 3,374 examples of content with a view to determining the presence (or absence) of signs of extremism in them. Of these, 1,165 were found to show signs of extremism (including incitement to racial, ethnic or religious animosity or discord, advocacy of the exclusivity, superiority or inferiority of persons by reason of their racial, ethnic or religious background and advocacy and public displays of Nazi symbols and paraphernalia). Since 2014, 234 expert assessments have been carried out in the prescribed manner.

213. In 2019, 92 items were added to the national list of extremist materials in accordance with 25 court decisions. In 2020, 136 items were added to the list in accordance with 20 court decisions.

214. Content is subject to an assessment pursuant to submission from the authorities, organizations, voluntary associations and private businesses.

### **Follow-up information relating to paragraph 28 of the concluding observations**

215. See paragraphs 75 to 92 of the report.

216. At the high-level segment on statelessness during the seventieth session of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees (7–11 October 2019, Geneva), Belarus officially announced its decision to begin the process of becoming a party to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

### **Follow-up information relating to paragraph 30 of the concluding observations**

217. See paragraphs 162 and 163 of the report.

218. The Belarusian State University Institute for Further and Advanced Training for Judges and Procuratorial, Court and Judicial Officers provides regular and comprehensive further and advanced training for judges and procuratorial, court and judicial officers, including on international human rights standards.

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