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Belarus

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I. Preparation of the report: methodology

1. This report was prepared by the Ministry of Foreign Affairs from data supplied by the Ministries of Justice, the Interior, Labour and Social Welfare, Health, Education, Culture, Information, the Economy, Housing and Public Services, Agriculture and Food and Sport and Tourism, the Constitutional Court, the Supreme Court, the Office of the Procurator-General, the Office of the Commissioner for Religious and Ethnic Affairs, the National Statistical Committee, the National Academy of Sciences, the National Centre of Legislative and Legal Research and the Information and Analytical Centre attached to the Executive Office of the President of the Republic of Belarus.
2. The drafting of the report was preceded by broad consultations on the purposes and methodology of the universal periodic review (UPR) and discussion with the representatives of civil society of matters related to preparations for the review and the national report to be presented at it.
3. During these preparations, representatives of Belarus attended a regional briefing on the UPR organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR) from 27 to 28 April 2009 in Bishkek, Kyrgyzstan. They also participated in a seminar on ways of obtaining practical results from projects in the technical assistance programme and their guidelines on implementing human rights, which was held from 15 to 16 September 2009 in Minsk, Belarus, under the auspices of the United Nations Development Programme (UNDP), with the participation of the OHCHR.
4. At the invitation of the Ministry of Foreign Affairs, a delegation from the OHCHR visited Belarus from 30 November to 2 December 2009 to discuss preparations for the UPR and the running of some joint technical assistance projects to promote and protect human rights, inter alia, by carrying out such recommendations as are made to Belarus in the wake of the review.
5. In the process of drafting the report for the UPR the Ministry of Foreign Affairs consulted a wide range of actors, including representatives of international organizations and civil society and took account of their opinion in the preparation of this report.

II. Normative and institutional basis for promoting and defending human rights

A. Human rights legislation, including international agreements

6. The history of Belarus is punctuated by violence from without and destructive wars and the incorporation of its territory into various States. No less than 30 per cent of the country's population perished during the Second World War and virtually half of its infrastructure was smashed. The contamination of almost a quarter of its territory by radioactive fallout from the accident at the Chernobyl nuclear power station in 1986 has had a lasting adverse impact on the country's economy and on the health of its population.
7. The traits of Belarusian history have greatly influenced its population's traditional approach to human rights, which primarily consists in finding a reasonable compromise between realizing individual rights, heeding the interests of society and maintaining a balance in the process of promoting and protecting various categories of human rights.
8. Since it attained independence in 1991, Belarus has been progressing as a democratic State based on the rule of law and social justice:

- According to the Constitution, the human being, his/her rights and freedoms and their guaranteed implementation are of the highest importance and the supreme goal of society and the State. The Constitution embodies a comprehensive set of legal guarantees and defines juridical procedures for promoting and protecting citizens' rights, including the defence of rights and freedoms before courts.
- State organs and officials may by law be held accountable, even criminally accountable, for breaches of individual rights and freedoms.
- A person has the right to file a judicial appeal against decisions by government bodies, which restrict or violate his/her rights, freedoms or lawful interests.
- A person has the right, in accordance with international conventions ratified by Belarus, to have recourse to international organizations for the defence of his/her rights and freedoms, provided that all domestic remedies have been exhausted.
- A person has the right to seek expert legal assistance with the implementation and protection of rights and freedoms, including before a court, national or local government body, in dealings with institutions, organizations and voluntary associations and in relations with officials and other persons.
- A person has the right to sue for damages for material and moral injury in order to defend his/her rights, freedoms, honour and dignity.

9. Belarus, as one of the founding States of the United Nations, is party to most international human rights instruments, including the following six core treaties: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of all Forms of Racial Discrimination, the Convention on the Elimination of all Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child.

10. Pursuant to its Constitution, Belarus recognizes the precedence of universally recognized principles of international law and ensures its legislation's consistency with them.

11. Universally recognized legal standards in the human rights field have been comprehensively strengthened by means of the relevant legislation in the shape of laws on political parties, voluntary organizations and trade unions, national minorities, aliens, refugees, the rights of the child and the freedom of religions and religious organizations.

12. State legislation is subject to a compulsory legal review of its compliance with the Constitution and with the international agreements to which Belarus is a party. The Constitutional Court ascertains the constitutionality of draft laws before their adoption.

B. Institutions and mechanisms for the protection of human rights

13. The State framework for protecting human rights encompasses authorities and officials responsible for promoting and defending human rights.

14. The President is the guarantor of the Constitution and of human and citizens' rights and freedoms. In practice, he adopts measures to defend and implement citizens' rights by issuing laws and deciding specific issues. The Head of State coordinates action to protect and promote human rights with the three branches of power, with the support of civil society and the population of the country.

15. The National Assembly (Parliament) plays a special role in the State's legal machinery for defending human rights and freedoms in that it considers and adopts laws

and establishes legal mechanisms ensuring the de facto observance and defence of citizens' rights and freedoms. Members of Parliament may likewise introduce private bills to secure the rights, freedoms and lawful interests of the electorate. The National Assembly has a Standing Commission for Human Rights, Community Relations and the Mass Media whose terms of reference are precisely to decide issues related to the observance and protection of citizens' rights and to ensure that appropriate heed is paid to human rights in all aspects of Parliament's work.

16. One important element of the framework to protect human rights is the Act on citizens' appeals, which was drawn up with the participation of international experts. Under this act, the consideration of citizens' appeals and complaints has become one of the essential forms of action taken by government bodies at all levels to protect human rights and freedoms. The act obliges government bodies and officials to adopt the requisite measures to restore citizens' rights, freedoms and/or lawful interests when they have been violated and to supervise the implementation thereof. Departments to process citizens' appeals operate in government bodies at all levels.

17. The Constitutional Court is likewise competent to consider citizens' appeals. In 2009 alone it considered 1,217 citizens' appeals.

18. A network of specialized public institutions operates in the country to promote and protect various categories of human rights, through which a constructive partnership has been forged between the State and civil society. It consists of:

- The National Commission on the Rights of the Child
- The National Council on Gender Policy
- The Inter-Ethnic Advisory Council
- The National Council on Labour and Social Questions
- The Interdepartmental Council on the Problems of the Disabled
- The Interdepartmental Commission on the Problems of the Elderly, Veterans and Persons Suffering from the Consequences of War
- The Council on the Updating of Social and Labour Legislation
- The Community Coordinating Council on the Mass Media

19. The Advisory Social Council attached to the Executive Office of the President was set up in 2009. Representatives of the authorities and civil society take part in its work. The Council discusses topical issues concerning the evolution of the State and society and it formulates suggestions regarding the country's further social, economic and political development.

20. There are plans to set up an advisory council on human rights in the Executive Office of the President in order to bolster cooperation between the authorities and civil society in protecting and promoting human rights.

C. General principles governing the action of the courts and the Procurator's Office

21. The justice system is an important element of the protection of human rights. A high degree of democracy in judicial investigations is achieved by giving practical effect to procedural principles such as the independence of courts, transparency, due process, adversarial process, the equality of parties and impartiality.

22. Interference in judges' administration of justice is impermissible and is a punishable offence, or even a crime, by law. The independence of judges is secured by the statutory procedure for appointing them. Judges are appointed by the President on the advice of the Ministry of Justice and the Chairperson of the Supreme Court.

23. The Constitutional Court protects citizens' constitutional rights and freedoms and it ascertains the constitutionality of legislation and legislative initiatives.

24. The right to judicial protection is universal in nature and is implemented through the ordinary courts. Citizens may defend their interests as economic agents in commercial courts, arbitration tribunals or the International Arbitration Court attached to the Chamber of Commerce and Industry and as members of the workforce in labour tribunals.

25. The Procurator's Office supervises the exact, uniform execution of laws and other standard-setting instruments by government bodies.

26. The action of the Procurator's Office is underpinned by the principles of lawfulness, the equality of all citizens before the law, transparency, the independence of the Procurator and the binding nature of his/her orders.

III. The protection and promotion of human rights on the ground

A. General description of the political structure and system of the State

27. Belarus is a presidential republic. Under the Constitution, the President of the Republic is the Head of State and the guarantor of the Constitution and of human and citizens' rights and freedoms.

28. State power is exercised in accordance with the principle of its division into the legislative, executive and judicial branches.

29. Legislative power is exercised by the National Assembly (Parliament) which comprises two chambers – the House of Representatives (the lower house) and the Council of the Republic (the upper house).

30. The President and the deputies of the House of Representatives are elected on the basis of universal, free, equal and direct franchise, by secret ballot. The Council of the Republic is formed by the election of eight members from each province and the municipality of Minsk. The eight members of the Council of the Republic appoint the President of the Republic.

31. An All-Belarusian People's Assembly has been created in order to give effect to citizens' constitutional right to participate in decisions on matters of State. It convenes once every five years. The deputies to the Assembly are elected from the provinces and the municipality of Minsk. The Head of State reports to the Assembly which is competent to adopt five-year development plans and to take decisions on the most important development issues. In point of fact, the Assembly is a supplementary grass-roots check by citizens on the President's action.

32. Executive power is exercised by the Council of Ministers which is accountable to the President. The Chairperson of the Council of Ministers is appointed by the President with the agreement of the Chamber of Representatives of the National Assembly.

33. Judicial power is exercised by a network of courts, which rests on the principles of territorial jurisdiction and specialization and encompasses courts with general competence, commercial courts, military courts and the Constitutional Court.

34. Political parties and voluntary organizations are an important element of the Belarusian political system, as they have extensive possibilities of participating in the life of society and the State.

B. The right to work

35. The Belarusian Constitution guarantees the right to work as the most suitable means of ensuring a person's self-esteem. As a rule, the right to work is given substance by the conclusion of an employment contract with a specific employer. In order to hinder abuses by employers, the Labour Code, which was drawn up with the participation of foreign experts, provides workers with guarantees against unjustified denial of employment and dismissal, including on grounds of discrimination.

36. According to the digest *UNECE Countries in Figures 2009*, the gap between men and women's wages in Belarus is lower than in most other countries of the region covered by the United Nations Economic Commission for Europe (UNECE) and is on a par with that of countries like Germany, the United States of America and Switzerland.

37. The State provides additional guarantees for the implementation of the right to work of socially vulnerable citizens and the disabled. It runs national programmes to boost national employment and promotes youth employment. Legislation to give effect to the rights of the disabled was drawn up with due heed to the opinion of leading international experts in this sphere.

38. The indicator of the placement of the disabled rose from 26 per cent of those in need of work in 1995 to 45 per cent in 2008. In 2008, 4,500 disabled persons seeking employment were registered with labour, employment and social welfare bodies. Employment support was given to 2,600 disabled persons. About half of these posts were in jobs reserved by the Government for the disabled. The number of these jobs was recently increased by 40 per cent thus fully meeting existing demands of the disabled for work.

39. Support for the placement of the temporarily jobless is a priority of government policy.

40. As a result of the measures taken by the Government in 2009, the level of unemployment in Belarus is the lowest in Eastern Europe – 0.9 per cent of the economically active population. Moreover the number of unemployed in rural areas and small towns was down to 27 per cent during the last few years.

41. The Government actively cooperates with trade unions, employers' associations and community organizations to detect and end breaches of labour and labour protection legislation. Measures designed to offer extra protection of workers' labour rights provide for a mechanism allowing trade unions to check whether employers' action is lawful. The cancellation of a worker's employment contract at the employer's initiative requires trade union consent.

42. At the Ministry of Labour and Social Welfare there is a coordinating council of bodies exercising State supervision and social control over the observance of labour and labour protection legislation. Similar councils function at the regional level. In addition, there is a National Council on Labour and Social Questions comprising representatives of the authorities, employers and trade unions.

43. The ban on forced labour is strengthened by legislation designed to prevent the exploitation of human beings and the protection of their honour and dignity. The number of crimes related to labour exploitation is insignificant. No cases of the use of underage labour have come to light.

C. The right to social security

44. A national model of State social support for the population has been established and successfully developed over the years in which Belarus has been independent.

45. According to the United Nations *Human Development Report 2009*, in Belarus 85.4 per cent of the overall volume of State support is allotted to the needs of the social sector, which is the highest indicator in the Commonwealth of Independent States (CIS). The same report notes that Belarus outstrips many developed countries (the United States, Canada, Austria, Belgium, the United Kingdom, Germany, the Netherlands, Spain and Switzerland) and all CIS countries in respect of economy and inequality indicators. The United Nations rates Belarus as having the second highest per capita GDP in the CIS. It ranks 16th out of 135 States on the poverty index and has thus achieved the goal of eradicating poverty set in the Millennium Declaration.

46. Some special government programmes are being run in order to secure the rights and improve the quality of life of vulnerable categories of citizens, including the disabled, the elderly and persons on small incomes.

47. In 2008 the significant broadening of the criteria for the granting of targeted social assistance by the State resulted in every third person in need (as compared with every twelfth person in 2007) receiving such assistance.

48. Belarus has a wide network of institutions offering free social services including local social services centres, homes for the elderly and disabled and therapeutic education and rehabilitation centres for disabled children.

49. Support for families is an important aspect of government policy. State assistance to families takes the form of cash allowances, as well as tax, housing, medical and other benefits.

50. Support is given to large families and young families by the reimbursement of debts on loans for the acquisition or repair of housing.

51. Education grants are received by 24.3 per cent of children. The State provides free food for children under the age of 2 in low-income families.

52. State pensions are received by 26 per cent of the population. State expenditure on pensions accounts for some 11 per cent of GDP.

53. Belarusian voluntary associations commended State social policy in the information supplied for the UPR.

D. Right to a decent standard of living

54. For the last 24 years the aftermath of the accident at the Chernobyl nuclear power station has been placing an additional burden on the State when it comes to securing all categories of human rights. Daily expenditure on overcoming the adverse social, economic and cultural effects of the accident is running at US\$ 1 million, or US\$ 730 per resident of the contaminated area. Since the accident, the State has had to spend more than US\$ 18 billion in all on needs occasioned by Chernobyl.

55. At present more than 1,300,000 people, or over 10 per cent of the population of the country, live in the 2,508 communities situated in zones contaminated by radioactive fallout.

56. The contaminated area is undergoing social, economic and ecological rehabilitation by the Government in an effort to create the conditions for economic activity that is not

hampered by radiation and for a further reduction of the health risk faced by the affected population.

57. Despite the long-term obstacles stemming from the aftermath of the accident at the Chernobyl nuclear power station, the Government is pursuing a consistent policy of securing a decent standard of living for the population.

58. The rapid rate of growth in per capita income in the first decade of the twenty-first century has made it possible to reduce the number of people in the low-income group from 46.7 per cent of the population in 1999 to 6.1 per cent in 2008.

59. There has been notable growth in the housing supply. In 2008 per capita residential floor space worked out at 23.2 square metres compared with 18.4 square metres in 1991.

60. The prerequisites have been created for the all-round unimpeded cultural and creative development of the individual and for access to cultural assets. Twenty-seven State theatres and some two thousand museums are in operation in Belarus. A great number of international and national festivals take place in the country. The disabled, war veterans, and children who are orphans or who have special psychological needs are entitled to free entry to State exhibitions, displays and museums. Almost every second resident of Belarus uses public libraries. There is one public library per 2,500 inhabitants. This figure meets the standards of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

61. In 2008 every fifth household had access to the Internet from a computer in the home. The proportion of such households as a whole in the country went up by 19 per cent compared with 2007 and by one and half times in rural areas.

62. Increased attention is being devoted to the rights of the disabled. The Act on the social protection of the disabled has been adopted. Action is being taken by the Interdepartmental Council on the Problems of the Disabled. The State is carrying out a programme to provide accessible means of earning a livelihood for the physically disabled.

63. Belarusian non-governmental organizations have expressed their appreciation of the Government's endeavours to protect the rights of persons with special physical needs, including in the information supplied by them for the UPR.

E. The right to the highest attainable standard of physical and mental health

64. The conditions have been created for citizens' full enjoyment of the right to health, this being the primary aim of government health policy. Belarusian legislation guarantees the right to receive free medical assistance in State medical establishments.

65. The volume of expenditure on health in Belarus is above the European average and amounts to about 5 per cent of GDP. Per capita health expenditure went up more than three and half times between 2002 and 2008. The number of highly qualified specialists per 10,000 inhabitants works out at 48.5; this is a high indicator.

66. The rate of infant and child mortality in Belarus is one of the lowest in the region. Between 1991 and 2008 the rate of infant mortality fell 2.8 times to 4 cases per 1,000 live births. Over the same period mortality among the under-fives declined 2.7 times (to 5.7 per 1,000 live births). The rate of maternal mortality dropped 11.1 times (to 2.8 cases per 100,000 live births). These statistics are a great achievement by the standards of the World Health Organization (WHO). The general long-term survival rate of children with cancer and rheumatic diseases is 72 per cent. Belarus comes second in Europe with this indicator.

67. In order to attain health indicators consistent with the Millennium Development Goals of the United Nations, the Belarusian Government is financing several programmes to improve the population's health and to reduce morbidity and mortality. They include a national programme of demographic security, a government programme to prevent HIV infection, a health development programme and a government programme to prevent disability and rehabilitate the disabled.

68. The introduction of targeted preventive programmes has held down the spread of HIV/AIDS on the whole. The proportion of young people in the 15–19 age group who were infected with HIV fell from 24.5 per cent in 1996 to 2.3 per cent in 2008. The principles of confidentiality and respect for human rights and freedoms are observed when providing medical assistance for persons living with HIV.

69. Since 84.7 per cent of the population is supplied with potable water of a guaranteed quality, the indicator of infection with waterborne diseases is minimal.

70. According to UNESCO, Belarus will meet the goals of reducing child mortality, protecting maternal health, combating HIV/AIDS and ensuring environmental sustainability which were set in the Millennium Declaration within the appointed time frame.

F. The right to education

71. The Constitution guarantees the right of Belarusian citizens to receive free primary and secondary education. Every year Belarus spends no less than 6 per cent of its GDP on support for education. The indices of the Belarusian population's literacy are some of the highest in the world and stand at 99.7 per cent among adults and 99.8 per cent among minors. More than 91 per cent of preschool-age children in urban areas and more than 60 per cent in rural areas attend nursery schools.

72. The government budget finances 40 per cent of the costs of children's meals in nursery schools and of the care, medical and psychological monitoring services.

73. General basic education is compulsory with an enrolment rate of 100 per cent of children in the corresponding age group. More than 1 million pupils attend the 3,672 general schools functioning in the country.

74. Belarus achieved the goal of universal primary education set in the Millennium Declaration within the appointed time frame.

75. Children enjoy wide possibilities of developing their creative abilities and of engaging in various types of sport. Every second pupil attends special institutions providing out-of-school training and education. Within the country there are 384 out-of-school educational institutions and 522 out-of-school cultural institutions.

76. Every individual has the right to receive free higher education in State universities provided that he/she passes a competition. There are 43 State universities and 10 private universities in operation in the country. The indicator of the number of students per 10,000 members of the population in Belarus stands at 435 persons.

77. Serious attention is paid to inclusive education for disabled children. At present 60 per cent of pupils with special psychological needs attend ordinary schools. The possibility has been created for disabled youngsters to receive special secondary and higher education. Legislation provides for the payment of an extra 50 per cent on top of educational allowances for disabled pupils and students.

78. Foreign citizens and stateless persons who are permanently resident in the territory of Belarus and refugees have the same rights as Belarusian citizens to receive education at all levels.

79. Non-local students and those attending higher, secondary, specialized and vocational educational colleges receive financial assistance for hostel or rented accommodation and for travel to the place where their family lives.

80. According to the United Nations *Human Development Report 2009*, in the sphere of education Belarus outstrips many States in the group of countries with a very high human development index (United Kingdom, Germany, Greece, Israel, Portugal, Switzerland and Japan) and comes second in the CIS.

G. Human rights education

81. In Belarus comprehensive human rights instruction has been introduced in ordinary schools and events to promote human rights education are regularly held.

82. Citizens are provided with wide access to fundamental United Nations texts on human rights.

83. Pursuant to the 2009 Act on the bases of State youth policy, provision is being made throughout the country for the establishment of special services to advise young people about various aspects of human rights and to give them legal assistance.

84. Under a training plan and programme, schoolchildren and students learn about the rights of the child, human rights and international humanitarian law at all levels of education.

85. Since 1995 a special course on the rights of the child has been taught in Belarusian schools. A website on the rights of the child (www.mir.pravo.by) has been specially created for children.

86. A national plan on the enhancement of human rights education has been carried out, under which a multitrack, multistage scheme for education in human rights and the rights of the child has been set up and courseware has been made available.

87. A newsletter called "Protection and Justice" is devoted to the defence of the rights of the child. More than 10 teaching aids on the protection of human rights have been produced with government participation. Regular reports on the subject of human rights are carried in government mass media.

88. With the assistance of the Government, a Council of Europe information point has been opened at the Belarus State University. It is mounting an information campaign on human rights.

H. The right to life

89. In matters of legislation to regulate and apply the death sentence, Belarus strictly follows the recommendations embodied in the relevant articles of the International Covenant on Civil and Political Rights. The death sentence does not apply to persons who committed crimes when they were under the age of 18, to women, or to men who have reached the age of 65 at the time of sentencing.

90. Legislation underscores the exceptional nature of the death sentence, which is on the statute book only for the time being.

91. Life imprisonment is being used with increasing frequency as an alternative to the death sentence in Belarus.

92. In Belarus there has been a noticeable steady drop in the number of death sentences passed from 47 in 1998 to only 2 in 2008 and none in 2009. At the same time, legislation regulates the procedure for pardoning persons who have been sentenced to death.

93. In 1993 a national referendum was held on the abolition of the death sentence. More than 80 per cent of the population voted in favour of retaining this form of criminal punishment.

94. The necessity of abolishing the death sentence is, however, being actively discussed at all levels in the country. As is borne out by the information supplied for the UPR by several Belarusian voluntary associations, including the Belarusian Helsinki Committee, civil society is playing an active part in this campaign, which enjoys the support of the leaders of the country.

I. The rights of the child

95. Children make up approximately 19 per cent of the population of Belarus.

96. Belarusian legislation consolidates the fundamental rights of the child and establishes a nexus of measures to protect them. Every child has the inalienable right to life, a decent standard of living and healthy development. The provisions on non-discrimination against children are of great significance in that they lay down that all children have equal rights irrespective of their or their parents' origin, race, ethnicity, nationality, social status, means, gender, language, education, attitude to religion, place of residence, state of health or other circumstances.

97. Legislation guarantees the physical integrity of the child and his/her protection from all forms of violence and exploitation.

98. Children are entitled to protection of their honour and dignity and to protection against any unlawful interference in their personal life. Considerable importance is attached to strengthening the rights of children to freedom of opinion, belief and expression. Legislation guarantees the right to receive, hold and disseminate information, as well as the right to protection from information harmful to the child's health or moral and spiritual development. Particular mention must be made of the recognition of children's right themselves to initiate action to defend their rights. In the event of their rights being violated, children may turn to the Commission on Minors' Affairs, guardianship and trusteeship bodies, the Procurator's Office and, once they have reached the age of 14, the courts in order to protect their rights and lawful interests through their legal representatives.

99. A National Commission on the Rights of the Child has been set up in order to secure compliance with the Convention on the Rights of the Child. It supervises respect for children's rights and lawful interests. The Commission has authorized representatives throughout the country. It has competence to consider individual reports (complaints) of violations of children's rights and in essence fulfils the role of a national human rights institution for the defence of children's rights.

100. A national plan of action is being carried out to improve the situation of children and safeguard their rights and three large-scale State programmes are being implemented: *Children of Belarus*, *Youth of Belarus* and *Young Talent of Belarus*.

101. As a result of consistent State policy to protect children's rights and lawful interests, the number of children abandoned by their parents fell from 525 in 2002 to 136 in 2008.

102. In keeping with modern international practice and the recommendations of human rights bodies, the number of children in residential care dropped to 9,541 in 2009, a reduction of 32 per cent compared with 2002. Moreover, in the last five years, the

proportion of orphaned children under alternative forms of guardianship has gone up from 62 to 72.7 per cent and the number of national adoptions has risen by 32 per cent. Favourable note was taken of progress in this respect in the most recent UNESCO report.

103. Children have extensive possibilities of self-expression. In Belarus there are 23 children's voluntary associations and 141 youth associations, which receive organizational and financial support from the State.

104. In order to ensure more effective all-round protection of children's rights, the State actively cooperates with civil society, including with voluntary organizations such as the Belarusian Association of UNESCO Clubs, the Belarusian Association for Assistance to Handicapped Children and Young People, the Belarusian Children's Fund, Children against Violence, Ponimanie ("Understanding"), etc. These organizations supplied information for the UPR on measures being taken in Belarus to implement the rights of the child.

J. Women's rights

105. Belarus has achieved significant progress in the regulation of the legal, political, economic and cultural aspects of equality between men and women. One of the priorities of government policy embodied in the Constitution and other standard-setting instruments is to open up various possibilities of achieving equal rights and freedoms for men and women.

106. Belarus has achieved the development goal of promoting gender equality set forth in the Millennium Declaration within the appointed time frame.

107. According to the data of the Organisation for Economic Cooperation and Development (OECD) Belarusian women enjoy a high level of civil liberties and are not subject to restrictions on their freedom of movement.

108. In 2000, in order to coordinate action on compliance with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, a National Council on Gender Policy was set up. It comprises representatives of government bodies and civil society. Similar councils have been established at the regional level.

109. In order to create conditions making for equal opportunities for both sexes, a national plan to secure gender equality is being implemented between 2008 and 2010. This is already the third plan of action in succession on this subject.

110. The State devotes particular attention to the protection of the rights of mothers. The law guarantees the right to paid maternity leave and child care for the under-3s. The woman's job is kept for her during her social leave. Mothers bringing up three or more children or disabled children under the age of 18 and lone mothers with two or more children under the age of 16 are entitled to one day's leave per week paid at the rate of the average daily wage.

111. The 36 women's voluntary associations in operation in the country are an active element of civil society. Their activities range from legal education and the provision of social support to the prevention of violence and trafficking in women.

112. There has been steady progress in women's participation in the legislature, executive branch and judiciary. Since the mid-1990s the number of women deputies has risen sevenfold from 4.5 to 32.8 per cent. According to the data of the Inter-Parliamentary Union (IPU), Belarus comes 19th among the 188 member States of the IPU as far as the representation of women in parliament is concerned. Women hold 19.3 per cent of senior managerial positions in government bodies. Among judges 46.4 per cent are women. The number of women students in tertiary education is 10 per cent higher than that of men. Women account for 51 per cent of all graduates in Belarus.

113. According to the United Nations *Human Development Report 2009*, Belarus comes 52nd among 182 countries and first in the CIS on the gender-related development index.

K. Combating the modern slave trade

114. Belarus, as a party to all the international instruments on combating modern forms of slavery and the slave trade, makes measures against the trafficking in persons a priority of government policy.

115. On the expert advice of leading international organizations (Interpol, the International Organization for Migration (IOM), the United Nations Office on Drugs and Crime (UNODC), etc.), vital measures have rapidly been taken to improve national legislation and bring it into line with international standards. The Criminal Code defines six elements of trafficking in persons and acts related thereto as crimes. Legislation strengthens the notion of a “victim of trafficking in persons”.

116. Since 2002 Belarus has been implementing a comprehensive government programme to combat trafficking in persons. Over the same period, acting in conjunction with Interpol and other specialized international organizations, it has smashed 18 criminal organizations including 15 international ones and 64 criminal gangs. One thousand three hundred and sixty-two persons were prosecuted, of whom 501 received custodial sentences. It was found that approximately 3,600 people had been victims of trafficking.

117. The Government, together with international organizations (IOM and the United Nations Office of the High Commissioner for Refugees (UNHCR)) and community associations, has put in place a scheme for the rehabilitation and social reintegration of victims of trafficking in persons. Legislation makes provision for the following aspects of free government assistance for the victims of trafficking in persons: supply of temporary accommodation, including board and lodging; legal assistance including legal aid; medical and psychological assistance, tracing the family of underage victims of trafficking or their placement in a foster family or children’s home and helping victims to find a permanent job.

118. There are 140 social adjustment and rehabilitation units and 17 crisis centres devoted to the social reintegration of persons who have suffered from various forms of violence, including trafficking in persons. Four specialized rehabilitation units are sponsored by international and non-governmental organizations (IOM and La Strada). Fifteen non-governmental organizations are also engaged in assisting the reintegration of victims of trafficking in persons.

119. A victim may be awarded damages by a court in criminal proceedings.

120. In 2007, Belarus with IOM assistance, set up an international centre to train migration personnel in countering trafficking in persons. In 2008 it was recognized as a reference training institution of the member States of the CIS. Courses are regularly held at the centre for representatives of the law-enforcement agencies of various States, as are a large number of international human rights events.

121. The centre’s action is greatly appreciated by the Executive Committee of the CIS as can be seen from the information supplied by this international body for the UPR.

122. Belarus is a recognized leader in spurring action at the United Nations to combat modern forms of slavery. In 2005, at the World Summit of the United Nations, Belarus proposed that international efforts should be made to counter trafficking in persons and that a global partnership should be formed against slavery and trafficking in persons in the twenty-first century. Since then, the General Assembly of the United Nations, acting on an

initiative from Belarus, has adopted three resolutions aimed at improving the coordination and effectiveness of international efforts to curb trafficking.

123. At the initiative of Belarus a global plan of action is currently being drawn up to prevent trafficking in persons, the aim being to find a coordinated all-round solution to the problems of the contemporary slave trade. This idea has been welcomed and supported by States, international organizations and the Secretary-General of the United Nations.

124. In 2009, Belarus was visited by the Special Rapporteur on trafficking in persons, especially in women and children of the Human Rights Council of the United Nations. At the end of the visit, the Special Rapporteur commended the Government's efforts to combat the trafficking in persons at the national and international level.

L. Inter-ethnic and interreligious relations

125. People from more than 130 ethnic groups live in the territory of Belarus; Belarusians account for 82 per cent, Russians for 11 per cent, Poles for 3.9 per cent and Ukrainians for 2.4 per cent.

126. Traditionally in the country there has been an absence of clashes and conflicts on ethnic, racial, cultural, linguistic or religious grounds. The Belarusian Government's consistent policy aimed at the free development and promotion of diverse cultures, languages, traditions and religions is a major factor making for stable relations between ethnic groups.

127. Inter-ethnic and interreligious relations are regulated by the Act on ethnic minorities and the Act on freedom of conscience and of religious organizations.

128. Implementing the right to freedom of conscience and of religion and providing support for the unique ethnic, cultural and linguistic features of ethnic minorities living in Belarus lies within the jurisdiction of a government body specially set up for this purpose, the Office of the Commissioner for religious and ethnic affairs.

129. In Belarus there are 123 voluntary organizations representing 24 ethnic and cultural communities. Of these organizations 41 have international and national status. The cultural and educational events of ethnic and cultural associations and the activities of cultural institutions set up by national community associations are financed from the government budget.

130. In order to give effect to the right of ethnic minorities to use their mother tongue in State educational institutions, instruction is organized in the languages of ethnic minorities and the history and culture of ethnic communities is studied. There are schools where the language of instruction is Polish or Lithuanian. Within the State educational and cultural system there are 66 weekend schools where 5,000 representatives of national communities study their mother tongue: Azerbaijanis, Armenians, Afghans, Georgians, Greeks, Jews, Koreans, Latvians, Lithuanians, Moldovans, Germans, Poles, Ukrainians, Tartars, Turks and Roma. In cooperation with the countries of historic origin, educational bodies with an ethnocultural component supply the appropriate teaching material. In Belarus newspapers are published in Polish, Ukrainian and Lithuanian and radio and television programmes are transmitted into these languages.

131. With a view to bolstering religious and cultural pluralism and tolerance in Belarusian society, a government programme to develop the religious sphere and expand inter-ethnic relations and cooperation with compatriots abroad is being implemented between 2006 and 2010.

132. An advisory inter-ethnic council, comprising representatives of more than 20 ethnic groups present in Belarus, has been set up at the Office of the Commissioner for religious and ethnic affairs to formulate recommendations on government policy to support ethnic minorities.

133. In the information supplied for the UPR the Advisory Inter-ethnic Council greatly valued Belarusian legislation in the sphere of community and ethnic relations. It noted the effectiveness of the project “Learning to live together – the development of inter-ethnic trust and the prevention of violence in school and in society”, which the Government and civil society have been jointly implementing since 2002.

134. Belarusian legislation permits citizens’ full enjoyment of the right to freedom of conscience and religion and religious organizations’ full-scale operation. All faiths are equal before the law.

135. Between 1988 and 2008 the religious sector expanded from 765 communities of 8 confessions to 3,262 religious communities and 157 national organizations representing 25 confessions and religions, including the Orthodox, Catholic, Protestant, Muslim and Hindu faiths.

136. Registered religious organizations are exempt from income tax, land tax and tax on immovable property, including religious buildings. In Belarus there are more than 2,000 religious buildings in use and approximately 250 in the course of construction. The State grants assistance to religious organizations for the restoration of religious buildings and artefacts of historic or religious value.

137. The State regards the activities of religious organizations as a vital contribution to upholding civic peace and social harmony in the country and as morally edifying.

138. The State supports the initiatives of religious organizations to promote a dialogue between faiths on the basis of respect for human rights. International conferences are regularly held under the auspices of the State to further constructive dialogue between religions and faiths. The international conference entitled “Judeo-Christian dialogue: religious values as a basis of respect in civic society”, held in Minsk in 2009, was attended by the President of the Republic.

139. Belarus participates in several multilateral initiatives under the auspices of the United Nations to foster interfaith and intercultural dialogue and cooperation for peace. In 2009 Belarus joined the prestigious international initiative known as the United Nations Alliance of Civilizations.

M. The ban on torture and implementation of the right to humane treatment and respect for the inherent dignity of human beings

140. The principles and standards of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment are reflected in the Criminal Code, the Code of Criminal Procedure and the Penal Enforcement Code. Belarusian implementing legislation and practice rest on strict observance of the guarantee of protection against torture and other cruel or degrading treatment.

141. In 2009, in keeping with the recommendations of the OHCHR, additional protection for aliens was incorporated into legislation to safeguard their right not to be subjected to forced return or expulsion to States of previous residence when there is a danger of torture.

142. Legislation prohibits the use of force or of cruel or inhumane treatment on persons taking part in criminal proceedings or who are under arrest. The application of impermissible methods of treatment to participants in criminal proceedings is qualified as a

serious criminal offence entailing deprivation of the right to perform certain duties or activities. The effective use of this measure to combat torture is demonstrated by the fact that the number of people charged under this article of the Criminal Code was 12 in 2008 and 11 in the first six months of 2009.

143. The rights and freedoms of convicted persons receive the same protection by the State as the rights and freedoms of law-abiding citizens.

144. Not only does legislation guarantee the protection of convicted persons against torture, violence or other cruel or degrading treatment, it also strengthens the right of convicted persons to submit appeals or complaints to the courts, the Procurator's Office, government bodies or to human rights associations and to receive information about the terms and conditions of serving their sentence, to receive legal assistance, as well as their right to personal safety and freedom of religion, to health, to social security and to education, etc.

145. In Belarus constant efforts are being made to render criminal law more humane and to make wider use of alternative forms of punishment not involving deprivation of liberty, especially in the case of persons who have committed crimes that do not constitute a great danger to society or of first-time offenders or minors.

146. In 2009 the issues of a more humane system for serving sentences and for exercising community supervision over the safeguarding of human rights in places of detention were discussed at a special session of the Advisory Social Council attached to the Executive Office of the President. As a result of the meeting, recommendations on further improvements to the prison system were sent to the relevant government bodies for their reaction.

N. The right to freedom and privacy

147. Legislation reinforces a number of guarantees against arbitrary detention. Detention may be employed as a measure of constraint only when a person is suspected of, or charged with, committing a crime carrying a statutory prison sentence of more than two years. Legislation contains additional guarantees of the rights of children when deciding whether to impose measures of constraint on juvenile suspects or defendants, in that it provides for the supervision of minors by their parents, guardians or tutors.

148. Administrative detention is permissible for no longer than three hours when an administrative offence has been committed and an appeal may be filed against it with the Procurator's Office or with a court. Moreover, the law guarantees the right of a citizen to inform his/her family, close relatives and lawyer of the place where he/she is being detained within three hours.

149. Legislation establishes the right of every person to the protection of their private life from unlawful interference and categorizes breach of the integrity of the home or of other lawful property of citizens as an offence. Detainees have the right to call on the services of a lawyer. Foreign citizens or stateless persons who are detained after committing an administrative offence must be informed promptly, in a language which they can understand, of the grounds for their detention and of their rights.

150. In 2004, the Working Group on Arbitrary Detention visited Belarus. The Group welcomed the Government's endeavours to improve the legal and judicial system. Since the visit, Belarus has sent two reports to the Working Group to inform it of progress in fulfilling its recommendations.

O. The right to a fair public hearing by a competent, independent and impartial court

151. Legislation guarantees the protection of citizens' rights and freedoms by a competent, independent and impartial court within a period of time specified by law. No one may be found guilty of a crime and punished unless he/she has been lawfully sentenced by a court.

152. The presumption of innocence, which is embodied in Belarusian legislation, precludes incriminatory bias and serves as a major guarantee of the accused's right of defence.

153. Persons taking part in a court hearing who have no command or an insufficient command of the language in which proceedings are taking place are guaranteed the right to the services of an interpreter free of charge.

154. The right of defence encompasses the possibility for the suspect or accused to receive qualified legal assistance at any time, freely to consult his/her defence counsel and to appeal against the sentence. Legal assistance is granted free of charge in cases specified by the law. A sentence may be reviewed under the supervisory procedure within a year of its taking legal effect.

155. The expansion of citizens' rights to protection by the courts has led to the growth of the number of appeals and of civil cases considered by the courts. The number of civil cases examined by the ordinary courts in 2008 went up by almost 20 per cent compared with 2005. As a result of these hearings, the courts secured the protection of the most important rights of applicants: 250 people who had been unlawfully dismissed were reinstated, satisfaction was given to 4,000 claims regarding breaches of housing rights, 174 applications for compensation for harm to the life and health of citizens, 908 claims regarding the protection of consumers' rights and 89 claims regarding the protection of applicants' honour, dignity and business reputation.

156. In 2000, at the Government's invitation, the Special Rapporteur on the Independence of Judges and Lawyers visited Belarus to assess legislation and court practice in respect of law-enforcement.

P. The right to freedom of expression

157. Freedom of speech, free mass media and the prohibition of censure — fundamental values which are embodied in the Constitution — have become the norm in the country.

158. In 1993, 627 printed media were in operation in Belarus. By 2009 their number had risen to 1,314, 68 per cent of which were not owned by the State. In 2009 alone 78 new titles were registered, 76 of which were not State-owned. In Belarus more than 6,000 foreign newspapers and magazines are in free circulation and more than 90 foreign television channels are transmitted.

159. The Act on the mass media and the Act on information, information technology and the protection of information, which establish the legal arrangements for the independent, professional activities of the mass media, were drawn up taking account of the recommendations of the Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe. These acts, inter alia, significantly widened citizens' access to various kinds of information and established a procedure for setting up mass media. The acts were commended by the Belarusian Union of Journalists in the information it supplied for the UPR.

160. Legislation lays down the categories of information whose dissemination by the mass media is prohibited. They include the advocacy of war and extremist activities, the use of drugs, violence or cruelty.

161. Interference in the professional activities of the editorial staff of the mass media is inadmissible. Violating journalists' rights by forcing them to disseminate or not to disseminate information is not allowed.

162. The State does not regulate the procedure for registering mass media and the dissemination by them of information through the Internet. Belarus is one of the leaders of the world community as far as its citizens' access to the Internet is concerned. According to the International Telecommunication Union (ITU) more than 60 per cent of the population are Internet users.

163. In Belarus legislation establishes and in practice secures various economic conditions for the development of all mass media irrespective of their form of ownership.

164. A general coordinating council for the mass media serves to promote the dialogue between government bodies and the non-governmental sector regarding topical issues related to the development of the Belarusian mass media.

165. Belarus actively cooperates with international bodies and procedures to protect rights in the sphere of the mass media.

166. In 1998, at the Government's invitation, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression visited Belarus. In 2007, the OSCE Representative on Freedom of the Media paid a visit. In 2008 two seminars on the freedom of the mass media, organized under the auspices of the OSCE, were attended by representatives of government bodies and civil society.

Q. The right of peaceful assembly and to freedom of association

167. The Constitution guarantees the freedom to organize assemblies, meetings, street processions, demonstrations and picketing which does not breach law and order or violate the rights of other citizens. The underlying principle when holding public events is to ensure public safety as well as law and order.

168. There are currently 2,500 voluntary associations in various fields and 15 political parties in operation in Belarus.

169. Moreover, the steadily rising number of voluntary associations is evidence of citizens' civic activeness and of the greater possibilities of displaying it. In 2009 alone the number of voluntary associations increased by 20 per cent and the number of political organizations grew by 18 per cent.

170. Legislation based on the principles of the International Covenant on Civil and Political Rights guarantees the right to freedom of association. Political parties and voluntary associations are guaranteed freedom to act in accordance with their regulations and programmes. Legislation prohibits the abolition of political parties and voluntary organizations for political reasons. There is a ban on the setting up and activities of non-governmental organizations and political parties whose purpose is to advocate war or extremism, or to incite social, national, religious or racist strife.

171. The Act on the bases of State youth policy, which entered into force in 2009, provides an additional guarantee of young people's freedom of association.

172. National legislation on trade unions, which takes account of the provisions of the International Labour Organization conventions ratified by Belarus, guarantees freedom to

join a trade union. In Belarus there are 35 registered trade unions, including 33 covering the whole country, bringing together more than 90 per cent of workers.

173. Trade unions are competent to make recommendations to government bodies about improvements in labour law, to supervise compliance with labour and trade union law and to participate in the formulation and implementation of national economic and social policy, including on employment and labour protection issues. Trade unions have the right to submit applications to the courts for protection of the labour, social and economic rights of their members.

174. Belarus has been a member of the International Labour Organization (ILO) since 1954 and it has ratified 49 ILO conventions, including the core conventions strengthening the principles of freedom of association and the right to collective bargaining.

175. One instrument of State policy takes the form of social partnership bringing together trade unions, employers' associations and government bodies.

176. The National Council on Labour and Social Questions comprises representatives of trade unions, the Government and employers.

177. More than 500 agreements have now been concluded. They include the General Agreement between the Government, national employers' associations and trade unions for the period 2008–2010. There are also more than 18,000 collective agreements regulating pay and the protection of labour, guarantees and compensation for industrial accidents, working conditions, trade union assets, etc.

178. It is of no small importance that the existence of the prerequisites for the activities of civil society organizations and their effective cooperation with the Government in the implementation and promotion of various categories of human rights has been confirmed by the data supplied by Belarusian voluntary associations for the UPR.

R. The right to the equal protection of the law, without any discrimination

179. The migration law of Belarus is being constantly improved in order to comply with the international obligations accepted by the country. The Act on the legal situation of aliens and stateless persons in the Republic of Belarus and the Act on the granting of additional and temporary protection to aliens and stateless persons in the Republic of Belarus went into force in 2009.

180. These Acts, which were drawn up with the active participation of UNHCR, strengthen the rights and freedoms of aliens and stateless persons present in the territory of Belarus.

181. Belarus acceded to the Convention on the legal status of migrant workers and members of their families from CIS member States, which reproduces the core provisions of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

182. An effective national system of asylum has been set up and the conditions have been created for the integration into society of persons who have been granted refugee status and the restoration to them of respect and human dignity.

183. To date more than 3,300 aliens from 48 States have applied for refugee status in Belarus. Refugee status has been given to 808 aliens resident in Belarus and 97 refugees have been given Belarusian citizenship.

184. Persons who have been given additional protection enjoy rights on a par with aliens who are temporarily resident in Belarus. They have the same rights as Belarusian citizens to

medical services and employment, family reunion, residence in specially equipped facilities and judicial protection. Alien minors who have been granted refugee status or refugees who have been given additional protection have the same right to instruction in nursery schools and to general secondary education, as well as to medical services, as Belarusian children of the same age. Aliens who may not be expelled because of the international obligations of Belarus have the right to remain in the country temporarily and accordingly to enjoy the rights granted to temporarily resident aliens.

185. Every year some 400 aliens receive targeted humanitarian, financial, medical, social and legal assistance. With the help of UNHCR more than 50 refugees have been settled in places of temporary residence. Temporary accommodation is available in all provincial capitals for asylum-seekers and refugees.

186. Two social enterprises founded by voluntary associations of refugees are in operation in Belarus. They provide work for 23 recognized refugees and 20 Belarusians.

IV. Conclusion

187. In Belarus, constitutional, legislative, political, economic and other guarantees have been created to ensure the effective implementation of fundamental democratic rights and freedoms.

188. In the ongoing process of reforming all spheres of the life of society, a comprehensive mechanism is being developed to protect and promote human rights and freedoms.

189. Despite the difficulties encountered by the national economy as a result of the world financial crisis, securing the social and economic rights of individuals remains a priority of government policy.

190. The State gives all persons irrespective of their origin, race, religion, ethnic group, nationality, social status or property, broad guarantees of the implementation of their right to a decent standard of living, work, recreation, social services, health and education.

191. Paramount attention is devoted to raising the status of women in society, protecting maternity and supporting the family as an institution.

192. The civil sector is an important element of politics and the life of society. The Government is extending its cooperation with partners from a number of voluntary organizations in all fields to promote human rights, including those in the sphere of gender equality and the rights of children, migrants, refugees, victims of trafficking in persons, the disabled, etc.

193. Greater attention is being paid to the judicial protection of human rights and to rendering the penal correction system more humane.

194. The Government's endeavours to protect and promote human rights are greatly valued by international and non-governmental organizations.

195. According to the most recent trade and development index prepared by the United Nations Conference on Trade and Development (UNCTAD), Belarus ranks 44th out of 110 States for the combined indicators of per capita GDP, expenditure on health and education, the quality of education and adult literacy, life expectancy, good governance, the level of corruption, sanitation, clean water supplies, gender development, etc. As far as these indicators are concerned, Belarus is ahead of all the CIS countries and some European Union States.

196. According to the United Nations *Human Development Report 2009* Belarus ranks 68th in the general rating and is placed in the group of countries with high human development, thus outstripping all the CIS countries with respect to this indicator.

197. Belarus regards the UPR as an important stage in the process of grasping the human rights situation in the country, thus furthering the formulation of strategic approaches, the adoption of the appropriate decisions at government level and the expansion of constructive cooperation between the State and other human rights actors.

198. Belarus is pursuing its constructive cooperation with international human rights mechanisms, including the United Nations Human Rights Council and its special procedures, United Nations treaty-based bodies, OHCHR and other human rights institutions.
