

Belarus Human Rights Index

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2019

Right to take part in cultural life

Score: 4.6

Including scores by component:

- Participation in cultural life – 5.4
- Access to cultural life – 4.8
- Opportunity to contribute to cultural life – 4
- Protection of cultural diversity – 4.5

Belarus guarantees the right to participate in cultural life in Article 51 of the Constitution, which states: ‘Everyone has the right to participate in cultural life. This right is ensured by universal access to the treasures of national and world culture held in state and public collections, and by the development of a network of cultural and educational institutions. Freedom of artistic, scientific and technical creativity and teaching is guaranteed. Intellectual property is protected by law. The State promotes the development of culture, scientific and technical research for the benefit of the common interest’¹. This right is guaranteed by Article 27 of the Universal Declaration of Human Rights² and Article 15 of the International Covenant on Economic, Social and Cultural Rights³, to which the Republic of Belarus has been a party since 12 November 1973⁴. On 4 March 2016, the Council of Ministers of the Republic of Belarus approved the state programme ‘Culture of Belarus’ for 2016-2020⁵. The Code on Culture of the Republic of Belarus⁶ has also been in force since 2016. In

¹ Constitution of the Republic of Belarus, Article 49,
<https://pravo.by/pravovaya-informatsiya/normativnye-dokumenty/konstitutsiya-respubliki-belarus/>

² Universal Declaration of Human Rights, Art. 27,
https://www.un.org/ru/documents/decl_conv/declarations/declhr.shtml

³ International Covenant on Civil and Political Rights, Art. 27,
https://www.un.org/ru/documents/decl_conv/conventions/pactpol.shtml

⁴ UN Treaty Collection, ICESCR ratification status,
https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4

⁵ Resolution of the Council of Ministers of the Republic of Belarus ‘On the Approval of the State Programme “Culture of Belarus” for 2016–2020”, 4 March 2016,
<https://pravo.by/document/?guid=12551&p0=C21600180&p1=1>

⁶ Code on Culture of the Republic of Belarus <https://pravo.by/document/?guid=12551&p0=Hk1600413>



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March 2019, the Ministry of Culture published a report on the implementation of the state programme “Culture of Belarus” for 2018⁷.

- **Participation in cultural life**

There is some direct or indirect interference in the exercise of the right to participate in cultural life, both by the state and by third parties. Various language societies, public associations and other NGOs, particularly those associated with the Belarusian language and culture, have faced and continue to face interference from the state when organising events, with the result that many events could not be held in the form and to the extent originally planned.

National minorities have faced virtually no restrictions from the state; various concerts have been held, as well as a festival of national cultures. There were no restrictions on artistic activities. This is due to the fact that 2019 marked the fourth year of implementation of the state programme ‘Culture of Belarus’. The events planned under the programme are being carried out; consequently, one might get the impression that the right to participate in cultural life is being upheld. However, in practice, state censorship takes place. For example, in 2019, a selective policy regarding the issuance of performance permits within Belarus for foreign musicians was particularly widespread. There is also self-censorship among cultural associations and initiatives to prevent state interference. This indicates a limited exercise of the right to participate in cultural life and other human rights, in particular the right to freedom of expression, given that they are interlinked.

At the same time, 2019 saw the development of alternative (non-state) cultural spaces, such as Gallery U, Korpus, and OK16 in Minsk, as well as similar cultural spaces in the regions of Belarus, which had a positive impact on the cultural life of the population.

In 2019, legislation in the cultural sphere remained unchanged; the state undertook propaganda measures, for example, through the ‘My Country Belarus’ advertising campaign across the country, and there were attempts to promote culture and the Belarusian language. The effectiveness of such measures is difficult to gauge; whilst steps were taken regarding Belarusian culture, the same cannot be said for the cultures of other minorities. Furthermore, the issue regarding the Code on Culture concerning the issuance and refusal of touring permits remained unresolved. In 2019, the issue of such refusals without proper justification from the executive committees became acute; the refusal was justified by the ‘low cultural level’ of a particular artist’s work without detailed explanations. Despite the adoption of the Code on Culture in 2016, the issue of state support for creative projects and access to such support remains unresolved; there are no clear regulations in the legislation.

The right to participate in cultural life (Article 51 of the Constitution), equality before the law, respect for the rights and interests of social, national and other communities (Article 14 of the Constitution), equality of all before the law and the prohibition of discrimination (Article 22 of the Constitution) are

⁷ Report on the results of the implementation in 2018 of the State Programme “Culture of Belarus” for 2016–2020 <https://www.kultura.by/uploads/files/ITOGOVYJ-OTChET-po-GP-za-2018-g.-04.03.19.doc>

enshrined in law. However, in practice, national minorities face discrimination on the grounds of nationality, religion and language. In the Republic of Belarus, there is no general anti-discrimination law, nor is there any case law on discrimination-related cases, as it is difficult to prove discrimination in court. In Belarus, discrimination occurs against the country's own culture and language, despite the fact that the Belarusian language is proclaimed as an official language at the constitutional level, just like the Russian language. Access to education in schools in the Belarusian language is limited to lessons in Belarusian language and literature. The vast majority of television channels and programmes broadcast in Russian, and cinemas do not provide subtitles in Belarusian. Thus, discrimination against the Belarusian-speaking population exists in society at both the everyday and public levels, and the state encourages this state of affairs through its inaction.

- **Access to cultural life**

Overall, the state fails to fulfil its obligation to inform the public about their right to participate in cultural life, and about cultural life and cultural diversity. Such information is provided in a perfunctory manner, in most cases when state bodies need to 'fulfil' yet another state plan or state programme in the cultural sphere. According to experts, these measures taken by the state are ineffective. In 2019, the state engaged in public awareness campaigns; from 2018 to 2020, the 'Year of Malai Radzima' was declared 'with the aim of stimulating the socio-economic development of the regions, fostering an active civic stance among the population, and preserving the historical, cultural and spiritual heritage'.⁸ In practice, the state allowed people to implement what they themselves wanted, whilst the state appropriated and presented this in the media as its own ideas and activities. During the year of Malai Radzima, there were instances of schools being closed in rural areas and small towns, despite them being adequately staffed, and cultural centres were closed, which has a negative impact on the standard of cultural life. Regional towns are characterised by a low standard of cultural life, and there is insufficient infrastructure to participate in cultural life. At school level, there is no systematic education aimed at fostering respect for cultural heritage and cultural diversity. Overall, there is a significant disparity in access to cultural life between the capital and the regions.

School curricula at every level lack cultural education classes covering history, literature, music and the history of other cultures. The only representation of other cultures occurs through world history lessons.

Guaranteed access for all to museums, libraries, cinemas and theatres, as well as to cultural activities, services and events, is partially ensured without discrimination on the grounds of financial or other status. The country's economic development and wage levels influence who can afford to visit an exhibition, cinema or other cultural event. Access to a particular event is also influenced by place of residence and mobility, particularly for people living in regional areas. There are issues regarding accessibility. The state has made every effort to require public institutions to create an accessible

⁸ Decree No. 247 of the President of the Republic of Belarus of 20 June 2018, "On the Celebration of the Year of the Small Homeland", <https://president.gov.by/bucket/assets/uploads/documents/2018/247uk.pdf>

environment, yet this requirement has not been fully implemented everywhere, partly due to the impossibility of creating such an environment because of the building's architecture or a lack of funds. Despite the five-year state programme 'Culture of Belarus', which addressed issues relating to vulnerable groups, the state is not making significant efforts to change the situation. Overall, among civil servants, there is a lack of understanding of what inclusion is and how it should be achieved, resulting in a bias towards a physically barrier-free environment. For people with visual or hearing impairments or those with intellectual disabilities, no significant action had been taken by 2019 based on a human rights-based approach. Museums still lack special programmes adapted to the needs of such people, apart from audio guides, which are not available everywhere. On the positive side, experts noted that popular museums provide facilities for people with visual impairments.

The state has partially adopted measures to respect the free access of minorities⁹ to their own culture, heritage and other forms of self-expression, as well as the free realisation of their cultural identity and practices, including the right to acquire knowledge about their own culture and that of others. From a legal perspective, there are regulations governing the rights and obligations of national minorities, such as the Constitution and Law of the Republic of Belarus No. 1926-XII of 11 November 1992 'On National Minorities in the Republic of Belarus'. However, in practice, national minorities (and not only national minorities, but also the queer community, for example) face discrimination from the state when they seek to access and exercise their rights. There is not a single television channel broadcasting in a minority language (not even in Belarusian, which is the official language). It is practically impossible to open a school in a minority language. Experts have noted as a positive example that a festival of cultures is held annually in Belarus.

Individuals and communities are not provided with effective and concrete opportunities to fully enjoy cultural life, whilst ensuring that these opportunities are physically and financially accessible to all residents of urban and rural areas without any discrimination. There is no regular transport service between settlements, whether small or large. There are still settlements where the bus runs at most once a day, making it difficult to access events held in a neighbouring town. Wage levels across the country and the significant disparity between the capital and the regions affect the financial ability of the rural population and other vulnerable groups to access culture.

- **Opportunity to contribute to cultural life**

The right to exercise freedom of creativity on an individual basis, in collaboration with others, or within a community or group, without being subject to censorship, is enshrined in law but is not always accessible in practice. There is a selective mechanism of state censorship of events. For example, in 2019, Belarusian-language events were not censored as heavily as other events, but

⁹ When assessing the component 'Measures have been taken to respect the free access of minorities to their own culture, heritage and other forms of self-expression, as well as the free realisation of their cultural identity and practices, including the right to acquire knowledge about their own culture and that of others', one expert adopted a broader understanding of the term 'minority', whilst the others interpreted 'minority' as 'national minority'.

problems still exist. Thus, there are informal lists specifying acceptable and unacceptable artists. Self-censorship exists among creative individuals and others.

Participation in decision-making processes that may affect people's way of life and rights is a fundamental challenge for any Belarusian. Often, many decisions, including those on cultural matters, provoke dissent or resistance within society. The authorities make decisions on these matters in accordance with their ideological stance.

In April 2019, near Minsk, work began on removing the crosses erected by social activists in the Kuropaty area – the site where victims of Stalinist repression were buried. The authorities' actions in Kuropaty outraged a significant section of society.¹⁰ In autumn 2019, people protested against the opening of a restaurant built near Kuropaty; however, the protests came to nothing, and the restaurant continued to operate with the support of the authorities¹¹.

For the most part, society is passive when it comes to participating in decision-making. In the cultural sphere, there are pro-government creative unions which participate in legislative processes; however, it cannot be said that their position reflects that of the general public. There are also various expert councils operating in the cultural sphere, for example, on monumental art and architecture, to which proposals for changes to the city's landscape are submitted for expert review. However, final decisions are often made 'from above', regardless of the expert councils' opinions. For example, in 2019, the Orthodox Church initiated the installation of a monument to Alexander Nevsky on P. Brovka Square; the council of the National Academy of Sciences issued a negative expert opinion, as did other councils, yet no decision was ever made¹².

- **Protection of cultural diversity**

The state has not taken effective measures to protect and promote the diversity of forms of cultural expression, nor has it created the necessary conditions to ensure that all cultures can be the subject of self-expression and dissemination. In general, the state views other cultures with suspicion. For example, looking at the Ukrainian minority, activities are limited to entertainment performances, and when the conversation turns to contentious issues, such as the opening of Ukrainian language clubs, these initiatives are suppressed. Several Ukrainian organisations operate in the Kobrin district, but the local authorities flatly refuse to listen to them. According to experts, the Brest region as a whole is very repressive towards national minorities.

¹⁰<https://www.dw.com/ru/%D0%B2%D0%BE%D0%B9%D0%BD%D0%B0-%D0%B7%D0%B0-%D0%BF%D0%B0%D0%BC%D1%8F%D1%82%D1%8C-%D1%87%D0%B5%D0%BC-%D0%B2%D0%BB%D0%B0%D1%81%D1%82%D1%8F%D0%BC-%D0%B1%D0%B5%D0%BB%D0%B0%D1%80%D1%83%D1%81%D0%B8-%D0%BC%D0%B5%D1%88%D0%B0%D1%8E%D1%82-%D0%BA%D1%80%D0%B5%D1%81%D1%82%D1%8B-%D0%B2-%D0%BA%D1%83%D1%80%D0%BE%D0%BF%D0%B0%D1%82%D0%B0%D1%85/a-48221504>

¹¹ <https://www.currenttime.tv/a/kuropaty-varta/30258006.html>

¹² <https://belaruspartisan.by/life/162251/>



There is censorship of cultural activities in the arts and other forms of self-expression, as well as censorship of cultural diversity. Local authorities have ideological departments that operate according to obscure criteria and lack expertise in this field, leading to the erosion of cultural diversity and its representation. National minorities self-censor themselves and their materials to avoid facing state censorship in the first place. The paradox, according to experts, lies in the fact that the authorities perceive Belarusian culture as a minority culture and censor it on a par with the cultures of national minorities. When organising art exhibitions, there is a strict selection of paintings, poems, etc., distinguishing between ‘acceptable’ and ‘unacceptable’ artists, and this applies particularly to Belarusian artists.

Certain measures have been adopted aimed at the protection, preservation and restoration of cultural heritage in all its forms. However, the state treats cultural monuments with neglect, particularly if they belong to cultures alien to the authorities. There is a bias towards the protection, preservation and restoration of tangible cultural heritage, whilst the preservation of intangible cultural heritage remains neglected. There is a programme called ‘Castles of Belarus’, which involves the allocation of funds for the restoration of certain castles. At the same time, according to experts, the restoration of castles and other historical sites results in a loss of their authenticity. No serious ethnographic research is being carried out. When it comes to paintings and other art forms, the state does not always take action to preserve its own cultural heritage.

When it comes to other cultures, the state prefers to turn a blind eye or responds reluctantly to public requests. For instance, in 2017, Jewish burial sites were catalogued, but not all sites were included. No one is working to improve these burial sites. The state budget is allocated in a non-transparent manner.

The state fails to provide adequate financial or other support to artists, state and private organisations, including the Academy of Sciences, cultural associations, trade unions and other individuals and institutions engaged in scientific and creative activities. There is a disparity in pay. The salaries of cultural and scientific figures are disproportionately low in relation to their contribution to the development of society; for example, the average salary of a teacher in the cultural sector is equivalent to that of a low-skilled worker.

Sources:

- International Covenant on Economic, Social and Cultural Rights, https://www.un.org/ru/documents/decl_conv/conventions/pactecon.shtml
- General Comment No. 21 of the Committee on Economic, Social and Cultural Rights, ‘The right of everyone to take part in cultural life (Article 15(1)(a) of the International Covenant on Economic, Social and Cultural Rights)’, E/C.12/GC/21, available at: <https://undocs.org/ru/E/C.12/GC/21>



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