



IMPLEMENTATION OF SDG 16: PEACE, JUSTICE AND STRONG INSTITUTIONS

Report on the implementation of SDG 16
by the Republic of Belarus



BELARUS

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WHO WE ARE

Founded in 1995, the Belarusian Helsinki Committee (BHC) is one of the oldest human rights defenders organization in Belarus. BHC sees as its main objective creating of civic context, in which citizens, businesses and the government would realize that a comfortable and convenient living environment in the country may only be established through active participation and collaboration of all actors. In this way, BHC promotes human rights as paramount element of economic and human development.

BHC works with the entire scope of human rights mainly concentrating on the next topics: **discrimination** (BHC carries out research and promotes the introduction of special anti-discrimination legislation), **international human rights mechanisms** (BHC promotes the use of the mechanisms by non-human rights organizations and develops electronic resources for assisting these organizations), **national human rights mechanisms** (BHC examines the legislation and addresses its gaps in order to provide as many protective measures as possible); **business and human rights** (the topic has never been widely discussed in Belarus, and BHC, in fact, is pioneering business and human rights), **human rights based approach** (BHC promotes incorporation of human rights instruments in project development at various levels).

BHC has prepared hundreds of proposals to state bodies on improving legislation and practice in the field of human rights. Dozens of reports and communications to the UN Special Procedures, treaty bodies were sent in order to strengthen the rule of law and good governance. For many years, BHC reinforces the ability of CSOs to effectively work further on reporting to UN mechanisms and on advocacy in dialogue with the government. Among other things, BHC also helps NGOs to use UN mechanisms through training, support and creating special web resources for NGOs.

Our activities are directly linked to the achievement of the progress on a number of SDGs, for example, Goals 10, 16, 17, etc. BHC is the first human rights organization that has promoted SDGs at the national level among civil society organizations and, in particular, human rights organizations since the very beginning of the launch of the 2030 Agenda. We have developed a web resource, where we have demonstrated the interconnection between the 2030 Agenda for Sustainable Development with other human rights documents: the main UN conventions ratified by Belarus, the General Comments of the UN treaty bodies and their Concluding Observations following the consideration of the periodical reports of Belarus, the UPR Recommendations to Belarus (for details see <https://database.belhelcom.org/>).

At the national level BHC participated in the work of the Partner Group of Sustainable Development.

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INTRODUCTION

This report was prepared by the Belarusian Helsinki Committee in connection with the participation of the Republic of Belarus in 2022 in voluntary reporting on the implementation of the Agenda 2030 for Sustainable Development and its 17 goals at the High-Level Political Forum.

The report contains an overall assessment of the SDG implementation process, and focuses on describing the actual progress in achieving Goal 16 of the Agenda 2030 and most of its targets. The report includes a number of recommendations for the government that should be implemented in order to be able to talk about visible and real progress in realization of the Agenda 2030 by Belarus. As well as recommendations for international organizations working on assistance projects with Belarus and other donors.

Although it is difficult to call the relations between the State and civil society on achieving the SDGs that have preceded the events of 2020 a real inclusive partnership, nevertheless, we regret to state that after 2020 the Republic of Belarus has completely abandoned any dialogue with civil society. Over the past 2 years (2020-2022), the State has carried out the most massive repressions against civil society organizations.¹ As of the beginning of July 2022 (starting from August 2020) more than 800 Belarusian NGOs have been unlawfully liquidated or are in the process of liquidation.² There is no a single human rights organization (representing real civil society, not GONGO) in the country as of today.

¹ Amnesty International, “Dozens of civil society organizations have been closed in Belarus “The world should not remain a passive observer of repression,” Amnesty International believes”: <https://eurasia.amnesty.org/2021/07/23/v-belarusi-zakrytki-desyatki-organizacij-grazhdanskogo-obshhestva-mir-ne-dolzhen-ostavatsya-passivnym-nablyudatelem-repressij-schitaet-amnesty-international/>

² Lawtrend, Monitoring of NGOs in Belarus that are in the process of forced liquidation and have decided to self-liquidate <https://www.lawtrend.org/liquidation-nko>

CONCLUSIONS

- The attitude of the state to the SDGs implementation process is nominal and perfunctory. This is evidenced by the formal approach to reporting on the achievement of the SDGs at the international level and the ineffectiveness of activities in achieving the SDGs at the national level.

- Due to the state monopoly on data, the legal ban on conducting public opinion polls related to the socio-political situation in the country and publishing them without accreditation (which is impossible to obtain in the realities of post-election Belarus in 2020), it is impossible to fully trust the official information provided by National Statistic Committee. Due to the lack of transparency and trust in the state, it is impossible to say with certainty that the statistics provided on the achievement of the SDGs by Belarus are also reliable.

- Despite the existence of relevant legislation, the State's activities are not aimed at reducing all forms of violence and mortality, but, on the contrary, are based on violent methods, which creates an atmosphere of fear and lack of a sense of personal security in the country.

- At the moment the problem of violence against children in Belarus remains unresolved. The measures taken by the authorities allegedly in order to ensure the best interests of the child are often in fact a mechanism of pressure and intimidation and are not effective.

- Despite the fact that the fight against corruption is presented by the Belarusian authorities as one of the priority areas of activity, at the moment it is impossible to talk about a significant reduction in corruption in all forms, due to the lack of effective and transparent mechanisms and independent bodies to combat it.

- The Main Directorate for Combating Organized Crime and Corruption is now the main mechanism for combating dissent and actively participates in politically motivated cases, which undermines the effectiveness of the fight against all forms of organized crime.

- There are no effective, accountable and transparent institutions at all levels, including no effective mechanisms for the protection of violated rights due to the fact that the justice enforcement bodies are not independent, and the rule of law principle is not respected;

- In Belarus there is no opportunity for citizens and civil society to take part in the conduct of public affairs, including through elections. A ban on expressing disagreement with the current state policy has been established, which, accordingly, does not allow alternative points of view to be presented to the authorities. The Belarusian authorities do not understand the nature of civil society, considering it as a continuator of state policy in various areas. In general, the state look at the civil society with suspicion and, in fact, views it as an enemy rather than an ally on the path to building a peaceful, just and open society for sustainable development.

- Despite the progress made in meeting target 16.9, categories of persons such as Roma and former prisoners continue to face problems related to legal identity, which is related to problems in legislation concerning procedural issues of identity cards.

- The right to access information is significantly limited: most of socially important information is not available, alternative sources of information have been completely destroyed by the State since 2020, there are no independent statistics.

- Despite the recommendations of the UN Committees and the Special Rapporteur on the human rights situation in Belarus, a national human rights mechanism that meets international standards is not established.

- The problem of discrimination in Belarus is deeply rooted. In the absence of comprehensive anti-discrimination legislation, as well as due to the existence of discriminatory norms in the current legislation, many vulnerable groups are discriminated against, and the State, in turn, does not provide effective mechanisms to protect them.

- The post-electoral crisis aggravated by compliance in Russia's aggression towards the Ukraine was a «sharp jump» for Belarus in the opposite direction from the implementation of all SDGs, including SDG16.

OVERALL ASSESSMENT OF THE SDG IMPLEMENTATION PROCESS AT THE NATIONAL LEVEL

The Republic of Belarus has been actively involved in the process of achieving the Sustainable Development Goals, but with the emphasis on administration and publicity: the country has created a management architecture for the SDGs,³ a broad information campaign dedicated to the SDGs is being conducted. However, at the same time, the Government in this process does not take into account the connection of the SDGs with human rights obligations, in fact, ignores certain SDGs. This is a violation of the basic principle proclaimed in the Preamble to the 2030 Agenda, according to which the SDGs «seek to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls. They are integrated and indivisible and balance the three dimensions of sustainable development: the economic, social and environmental».⁴

The events of August 2020 and the subsequent repressions against citizens, public and human rights organizations clearly showed the state's attitude to human rights and, accordingly, to the SDGs.

In general, we can state that the attitude of the State towards achieving the SDGs is conditional and superficial. This is evidenced by the formal approach to reporting on the achievement of the SDGs at the international level and the inefficiency of activities in achieving the SDGs at the national level. The same opinion is shared by the Special Rapporteur on the human rights situation in Belarus Anais Marin.⁵

In 2015, the National Strategy for Sustainable Socio-Economic Development of the Republic of Belarus for the period up to 2030 was developed, which was approved in 2017.⁶ As in the 2017 national report,⁷ the Strategy ignores many areas, some goals (10 and 16 in particular) and, in essence, denies the link between the realization of human rights and the implementation of the SDGs.

³ SDGs in Belarus, Official website: www.sdg.by

⁴ Transforming our world: the 2030 Agenda for Sustainable Development, Resolution adopted by the General Assembly on 25 September 2015, A/RES/70/1, Preamble.

⁵ Report of the Special Rapporteur on the situation of human rights in Belarus, 8 April 2020, A/HRC/44/55, para 2, which states: “While Belarus has established a comprehensive national framework for the implementation of the 2030 Agenda for Sustainable Development and the achievement of the Sustainable Development Goals, the framework lacks human rights components and the commitment to “leave no one behind” in its national programmes for sustainable development. The Special Rapporteur notes that development cannot be sustainable if it is not inclusive and fair, or if it fails to address existing bias and discrimination patterns in society”.

⁶ National Strategy for Sustainable Socio-Economic Development of the Republic of Belarus for the period up to 2030, 2017: <https://sdgs.by/upload/files/Natsionalnaja-strategija-ustojchivogo-sotsialno-ekonomicheskogo-razvitiija-Respubliki-Belarus-na-period-do-2030-goda.pdf>

⁷ First Voluntary National Review of the Republic of Belarus, 2017: <https://hlpf.un.org/countries/belarus/voluntary-national-review-2017>

In the context of human rights, the Strategy focused on gender equality, prevention of domestic violence in the family and human trafficking as extreme forms of discrimination based on gender (this is the only mention of discrimination) and «creating conditions for the development of an inclusive society ensuring equal opportunities for all citizens, including the accession of the Republic of Belarus to the UN Convention on the Rights of Persons with Disabilities and the development of inclusive education».⁸

In 2020, the National Strategy for Sustainable Development of the Republic of Belarus for the period up to 2035 was approved.⁹ According to the strategy, the Republic of Belarus has reached the 18th position among 166 countries in the world ranking of achievement of the SDGs.¹⁰

The Strategy still focuses on gender equality, not equality of all in general, the word «discrimination» is never mentioned, the question of the implementation of the norms of the Convention on the Rights of Persons with Disabilities is raised again. The Strategy proclaims that «traditional values are the main pillar of the country's development». In addition to persons with disabilities, the Strategy does not mention other vulnerable groups and work with them. However, for example, despite declaring successes in the field of gender equality, the Law on Domestic Violence was not adopted (under the slogan that it carries «values alien to our society»); despite declaring successes in the fight for the rights of persons with disabilities, the process of the new law¹¹ drafting obviously showed misunderstanding be the state of the essence of the transition from medical to social approach, which is the core principle of the Convention on the Rights of Persons with Disabilities.¹²

In general, the text of the Strategy looks like a futuristic report on what the future holds for Belarus. The Strategy operates with facts, and their reliability raises questions. The text of the Strategy presents Belarus as an «ideal country» where everyone has equal opportunities and people can live with dignity. The Strategy focuses on some SDGs, while not mentioning SDG 16, which indicates a «formal» approach to achieving the goals. The Strategy states that there is no inequality in Belarus, there are no vulnerable groups, a peaceful, fair and inclusive society has been built, the rule of law has been strengthened, all forms of violence have been eradicated, there is no corruption, effective and transparent institutions are created, access to information exists, etc.

⁸ National Strategy for Sustainable Socio-Economic Development of the Republic of Belarus for the period up to 2030, 2017: <https://sdgs.by/upload/files/Natsionalnaja-strategija-ustojchivogo-sotsialno-ekonomicheskogo-razvitija-Respubliki-Belarus-na-period-do-2030-goda.pdf>, p. 21.

⁹ National Strategy for Sustainable Development of the Republic of Belarus for the period up to 2035, 2020: <https://economy.gov.by/uploads/files/NSUR/NSUR-2035.pdf>

¹⁰ Ibid, p.3.

¹¹ The Convention has been ratified in 2016, but the new law, which has to be adopted for the realization of obligations – has been adopted only in 6 years, in July 2022.

¹² The Coalition Public Initial Report on the Republic of Belarus' Compliance with Its Obligations Adopted for the Purpose of Implementing the Convention on the Rights of Persons with Disabilities, 2020: https://tbinternet.ohchr.org/Treaties/CRPD/Shared%20Documents/BLR/INT_CRPD_ICO_BLR_44993_E.pdf

According to the national report «Belarus. Starting Positions on Achieving the SDGs» from 2017, the government «proceeds from the fact that progress in achieving the SDGs and ensuring that no one is left out largely depends on high-quality, accessible, timely and reliable disaggregated data.” The State recognizes that «the main problems faced by Belarus in the formation of a national system of indicators for global indicators are gaps in data and methodology. Only 38% of indicators have complete information, 22% have partial information, and almost 40% have no data and calculation methodology». According to this report, the state conceived that “monitoring the achievement of the SDGs is planned to be carried out through the joint work of central government bodies and local authorities, as well as involving non-governmental and international partners in this activity. The key task in this direction is to strengthen the statistical potential of Belarus, as well as coordination and cooperation between various participants in the processes of sustainable development».¹³

According to paragraph 125 of the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, adopted on July 27, 2015 by a resolution of the General Assembly: “*High-quality disaggregated data is an essential element necessary for rational and transparent decision-making, including in support of the post-2015 agenda ... National statistical systems play a central role in data collection, dissemination and management. These data should be supplemented by data and analytical materials provided by civil society, academia and the private sector.*”¹⁴ The States, having voted for this resolution, agreed that in an effort to implement the SDGs by 2030, it is necessary to collect and work with high-quality data and statistics, to cooperate with civil society. Moreover, the States, including Belarus, agreed that “*increasing transparency is essential and can be achieved by publishing timely, comprehensive and forward-looking information on development activities in a generally accepted, open electronic form in accordance with the established procedure. Access to reliable data and statistical information helps Governments to make informed decisions and allows all stakeholders to track progress and understand the balance of advantages and disadvantages, as well as ensures mutual accountability*” (p.127).¹⁵

At the same time, in practice, all statistics, including on the implementation of the SDGs, are collected by the National Statistical Committee of the Republic of Belarus (hereinafter – Belstat);¹⁶ independent sociological research is actually prohibited, it is difficult to collect statistics.

¹³ Report “Starting positions of Belarus to achieve the SDGs”, 2017: https://sdgs.by/kcfinder/upload/files/SDG_start.pdf

¹⁴ Addis Ababa Action Agenda of the Third International Conference on Financing for Development (Addis Ababa Action Agenda), Resolution adopted by the General Assembly on 27 July 2015, A/RES/69/313.

¹⁵ Ibid, para 127.

¹⁶ Belstat, Official website: <https://www.belstat.gov.by/>

Despite the fact that the SDGs and their implementation are directly related to human rights¹⁷, the State does not see this connection and, by its actions, essentially destroys human rights, and therefore complicates the process of implementing the SDGs by 2030 for every person who lives in Belarus. Moreover, the State does not realize the central role of the principle of non-discrimination and equality for the successful achievement of the SDGs by 2030.¹⁸

Due to the State's monopoly on data, the legal ban on conducting public opinion polls related to the socio-political situation in the country and their publication without accreditation (which cannot be obtained in the realities of post-election Belarus in 2020), it is impossible to fully trust the information provided by Belstat. Due to the lack of transparency and trust in the State, it is impossible to say with certainty that the statistics provided on the achievement of the SDGs by Belarus is also reliable.

Despite the State's declaration of commitment to cooperate with civil society in monitoring the SDGs in the report "Belarus' Starting Positions on Achieving the SDGs" from 2017, in reality, Belstat did not cooperate with public organizations to collect data on the implementation of the SDGs and the situation has not changed for 2022. Moreover, at the moment it is almost impossible due to large-scale repression against civil society. In fact, there is no communication between the State and civil society, despite the commitment to this cooperation in the 2030 Agenda and the Addis Ababa Action Agenda.

TARGET 16.1. SIGNIFICANTLY REDUCE THE PREVALENCE OF ALL FORMS OF VIOLENCE AND REDUCE MORTALITY RATES FROM THIS PHENOMENON WORLDWIDE

National legislation, in general, is aimed at protecting the lives of citizens from criminal encroachments, and, in particular, at preventing the infliction of death by both third parties and law enforcement agencies. At the same time, it did not allow avoiding the deaths of participants of peaceful protests that took place in 2020. Thus, as a result of the actions of special security units, at least three participants of meetings in various cities of the country were killed.¹⁹ A case of causing death, in which civilians acting under the protection of special security units were most likely involved, was also noted.²⁰ There is

¹⁷ Transforming our world: the 2030 Agenda for Sustainable Development, Resolution adopted by the General Assembly on 25 September 2015, A/RES/70/1, Preamble, paras 10, 12.

¹⁸ The Special Rapporteur on the human rights situation in Belarus shares the same opinion: Report of the Special Rapporteur on the situation of human rights in Belarus, 8 April 2020, A/HRC/44/55, para 20.

¹⁹ Report on the human rights situation in Belarus in the post-election period, "Belarus after election", 2020: https://spring96.org/files/misc/belarus_after_election_report_2020_en.pdf, p. 9-11.

²⁰ National Human Rights Index in Belarus 2020, Expert commentary on the right to life: https://belhelcom.org/sites/default/files/1._pravo_na_zhizn_2020.pdf

no effective, comprehensive, objective and prompt investigation of cases of arbitrary deprivation of life in Belarus.²¹ Deaths, including suicides, and torture in places of detention are also not properly investigated.²²

After the peaceful protests of 2020, the authorities adopted a number of legislative changes aimed at expanding the possibilities for law enforcement agencies and security forces to use weapons, physical force and special equipment to suppress mass riots.

Violence in various forms is widely used in Belarus. First of all, it should be noted the large-scale disproportionate and unjustified use of force in connection with the post-election situation. The violence used by law enforcement agencies to combat peaceful protests affected the entire population of the country, including women who were active participants in these actions.²³ Detainees at the 2020 protests faced physical (including sexual) and psychological violence both during detention and in places of detention.²⁴ The conditions of detention of detainees, as well as prisoners, especially those detained or serving sentences under politically motivated court orders, are inhumane and do not meet international standards. Despite numerous evidences of excessive use of force and torture against protesters after the elections, not a single member of the security forces or other structures involved in violence was brought to criminal responsibility.²⁵

A survey conducted in November 2021 showed that most of the Belarusian society believed that there was very high social tension in Belarus. The perception of social tension is associated with many factors, the most important of which is the feeling of lack of personal security, which has become even more acute compared to July 2021.²⁶ It is the lack of personal security that is one of the main reasons for mass emigration from Belarus.

There is no systematic collection of information on gender-based violent crimes in Belarus, as a result of which official data appear rarely and are fragmented and inconsistent. One of the factors contributing to this situation is the absence of a law on domestic violence or, at least, an appropriate legal

²¹ National Human Rights Index in Belarus 2019, Expert commentary on the right to life: https://belhelcom.org/sites/default/files/1._pravo_na_zhizn_2019.pdf

²² Concluding observations of the Human Rights Committee on the fifth periodic report of Belarus, 25 October 2018, CCPR/C/BLR/CO/5, para 29.

²³ List of issues on the implementation of CEDAW in Belarus, Submission prepared by the Belarusian Helsinki Committee for the 83rd pre-sessional working group of CEDAW: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FNGO%2FBLR%2F47989&Lang=ru, p. 9.

²⁴ Report on the human rights situation in Belarus in the post-election period, "Belarus after election", 2020: https://spring96.org/files/misc/belarus_after_election_report_2020_en.pdf, p. 17.

²⁵ OSCE Rapporteur's Report under the Moscow Mechanism on Alleged Human Rights Violations related to the Presidential Elections of 9 August 2020 in Belarus, 5 November 2020: <https://www.osce.org/files/f/documents/2/b/469539.pdf>, p. 57.

²⁶ Chatham House, Belarusians' views on the political crisis: https://drive.google.com/file/d/1_DfVvToUO5OkpeAVBEwaUSR5o-a25iwr/view

definition to which all cases of domestic violence can be attributed.²⁷ Moreover, the problem of unwillingness of the majority of women who have been victims of violence to seek help and/or report cases of violence to the police due to fear of retribution, stigmatization, humiliation is still relevant in Belarus.

Belarus is still a State that continues to use the death penalty. A number of death sentences are imposed following a trial that does not meet the requirements of due process of law, which amounts to arbitrary deprivation of life.²⁸ In addition, the amendments to the Criminal Code of the Republic of Belarus that entered into force on May 29, 2022, allowed the death penalty to be applied not only for the most serious crimes, i.e. crimes of extreme gravity related to premeditated murder, but also for preparing and attempting to commit a number of terrorist crimes. These actions run counter to Belarus' international obligations.²⁹

TARGET 16.2 END ABUSE, EXPLOITATION, TRAFFICKING AND ALL FORMS OF VIOLENCE AND TORTURE AGAINST CHILDREN

Unfortunately, violence against children is a fairly common practice.

According to the results of a UNICEF study in Belarus on violence against children conducted in 2018, violence against children occurs in all spheres of life: one out of four children are subjected to violence at home, one out of three – in public places, every second – at school. 80% of parents believe that raising a child should be through dialogue and a positive example. At the same time, 50% of parents used violent methods of disciplining children only in the last month. Violence is widespread in special institutions, such as boarding schools, educational and medical-educational institutions³⁰. The main conclusions of the study are also: lack of awareness among both parents and children about the types of violence against children; lack of knowledge and skills among specialists called upon to identify, register, report and respond to cases of violence against children; ineffective monitoring system, which is based solely on data on crimes against children under investigation and cases of removal of children from the family as a result of the detection of violence in the home environment.³¹

²⁷ List of issues on the implementation of CEDAW in Belarus, Submission prepared by the Belarusian Helsinki Committee for the 83rd pre-sessional working group of CEDAW: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FNGO%2FBLR%2F47989&Lang=ru; Concluding observations of the Human Rights Committee on the fifth periodic report of Belarus, 25 October 2018, CCPR/C/BLR/CO/5, para 23.

²⁸ National Human Rights Index in Belarus 2019, Expert commentary on the right to life: https://belhelcom.org/sites/default/files/1._pravo_na_zhizn_2019.pdf ; Concluding observations of the Human Rights Committee on the fifth periodic report of Belarus, 25 October 2018, CCPR/C/BLR/CO/5, para 27.

²⁹ See, for example, General comment No. 36 of the Human Rights Committee, 2018, CCPR/C/GC/36, para 35.

³⁰ UNICEF study in Belarus on violence against children, 2018: <https://www.unicef.by/uploads/models/2018/04/unicef-belarus-vac-report-2018.pdf>

³¹ Ibid.

The problem of violence against children was also recognized by the Committee on the Rights of the Child, which, considering the combined fifth and sixth periodic reports of the Republic of Belarus in 2020,³² expressed serious concern about the legality of corporal punishment at home and in alternative and day care facilities, which are widely practiced with a general tolerant attitude towards them; the repeal of the draft law on domestic violence, which would prohibit corporal punishment; lack of responsibility for any forms of violence that do not leave physical traces; widespread use of violent and degrading means of maintaining discipline, which contributes to violence among peers and representatives of different generations, crime, as well as suicide among children; widespread violence between peers, including bullying, in schools, institutions and communities, as well as on the Internet, especially against LGBTQ+ children and children with disabilities; the provision of incomplete information on cases of violence against children, especially in institutions and by the police, and the impunity of perpetrators; the lack of rehabilitation services for children who have been victims of violence, including the lack of an effective telephone assistance service.

In this regard, the Committee urged Belarus, *inter alia*, to explicitly prohibit corporal punishment in legislation and in practice in all situations; to establish responsibility for all forms of violence against children, including psychological violence and physical forms of violence that do not leave physical signs; to develop, with the participation of children, a comprehensive prevention strategy, suppression and monitoring of all forms of violence against children; to organize training for parents, teachers, specialists working with and for children, and representatives of the general public, as well as to conduct awareness-raising activities on positive, non-violent forms of discipline education and to ensure respect for children's right to human dignity and physical integrity; to encourage awareness of all forms of violence against children; to ensure that cases of violence against children are investigated and prosecuted, and that perpetrators are brought to justice; to step up data collection on all forms of violence against children.

However, until now, there is no complete ban on corporal punishment in the legislation of Belarus. The State continues to demonstrate the importance of «traditional values», where domestic violence is not a serious social problem. In practice, it is the family that decides at its discretion how to punish or not to punish the child³³. Such cases do not reach the court and are not investigated properly.

At the highest level, the problem of violence against children is not only not condemned, but, in fact, the very possibility of its application to children is approved. In 2018, the head of state A. Lukashenko, criticizing the bill on

³² Concluding observations on the combined fifth and sixth periodic reports of Belarus, 2020, CRC/C/BLR/CO/5-6: <https://undocs.org/ru/CRC/C/BLR/CO/5-6>, п. 19-20

³³ National Human Rights Index in Belarus 2020, Expert commentary on the right not to be subjected to torture and ill-treatment: https://belhelcom.org/sites/default/files/2._zapret_pytok_2020.pdf

domestic violence, spoke approvingly about corporal punishment against children. Moreover, he publicly admitted that he beat his children.³⁴

At the end of 2021, amendments were adopted to the Law of the Republic of Belarus of January 4, 2014 «On the basics of crime prevention activities». The new version of the Law has consolidated the concept of «domestic violence», which includes not only physical and psychological, but also sexual violence. The disadvantage of the adopted amendments is that financial or economic violence was not included in the law, although it is quite common in Belarus. The law was supplemented with new principles of crime prevention: preservation of traditional family values; respect for private life; inadmissibility of considering customs, beliefs, traditions as justification for offenses; priority of preventive measures over measures of responsibility. The country should also have a register of information on the facts of domestic violence, which will be an information system for collecting such data. The Ministry of Internal Affairs will ensure the operation of the registry. The law enshrines the rights of victims of domestic violence. The law is supplemented by an article on the correctional program.³⁵ The law comes into force on July 12, 2022, but its effectiveness may be questionable, since the main responsibility for preventing domestic violence lies with law enforcement agencies that have a low level of trust in society.

In 2021, repression against civil society affected, among other things, organizations that were engaged in helping victims of domestic violence. The International Public Association «Gender Perspectives», which had been administering a hotline for victims of domestic violence for many years, was liquidated. The NGO «Radislava», which also dealt with the problem of domestic violence, and their shelter was the only safe place in Belarus where women alone or with children could go and find legal and psychological help there, as well as temporary housing, were searched, some employees were detained. In March 2022, the Public Association «Radislava» was liquidated. The actions of the authorities have led to the fact that victims of domestic violence have essentially no safe way to seek help.

Belarus has a Law «On a socially dangerous situation (SOP)», according to which a child can be removed from the family if the state authorities become aware of the existence of threats to the child's life and safety, and placed on

³⁴ BelTA News Agency, "Lukashenko harshly criticized the bill on countering domestic violence": <https://www.belta.by/president/view/lukashenko-zhestko-raskritikoval-zakonoproekt-o-protivodejstvii-domashnemu-nasiliju-320484-2018/> ; Report of the Belarusian Helsinki Committee on violence and its impact on the right to health for the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, 2021: https://www.ohchr.org/sites/default/files/2022-02/cs.belarusian.helsinki.committee_2.docx

³⁵ Media project Reform.by, "A register of information on domestic violence will appear in Belarus": <https://reform.by/290493-v-belarusi-pojavitsja-reestr-informacii-o-domashnem-nasilii>; Law of the Republic of Belarus No. 151-Z of January 6, 2022 "On Amendments to Laws on the Prevention of Offenses" <https://pravo.by/document/?guid=12551&p0=H12200151&p1=1&p5=0>

state support in children's boarding institutions.³⁶ On the one hand, this law was created in order to protect the child, including from violence by parents, and also to take into account his interests, on the other hand, it can be used as an element of pressure on parents. For example, after the presidential elections in 2020, there were attempts to launch the procedure for placing in the SOP families, where parents with an active civic position participated in peaceful protests or expressed their opinions in other peaceful forms.

In Belarus, the practice of involving schoolchildren in work on «subbotniks»³⁷ and agricultural work is widespread. In 2020, the Committee on the Rights of the Child noted with concern reports of child exploitation in schools and other forms of child labor. Recalling target 8.7 of the Sustainable Development Goals, the Committee recommended that the Republic of Belarus intensify efforts to prohibit and eliminate all forms of child labor, as well as establish and implement monitoring, accountability and rehabilitation mechanisms³⁸.

TARGET 16.3 PROMOTE THE RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVELS AND ENSURE EQUAL ACCESS TO JUSTICE FOR ALL

In general, Belarus has established a system of mechanisms for the implementation of human rights and their protection in case of violations. There are, in particular, courts, prosecutor's offices, internal affairs bodies, and the institute of appeals of citizens and legal entities. The right to appeal to the court is enshrined in the Constitution and detailed in the relevant legislative acts. Courts resolve disputes between citizens, as well as consider citizens' complaints about the actions of state bodies and other organizations. At the same time, despite the formal functioning of these mechanisms, they are not effective means of protecting violated rights.

Excessively broad presidential powers in the executive, legislative and judicial branches call into question the observance of the principles of democracy, the rule of law and the protection of human rights. The independence of the judiciary continues to be hampered by the role of the President in the selection, appointment, reassignment, promotion and removal of judges and prosecutors and his control over these processes, as well as the lack of guarantees of the irremovability of judges who are initially appointed for a five-year term with the possibility of reassignment to the next term or indefinitely.³⁹ In the vast majority of cases, judges are appointed and reassigned for a five-year term, the practice of indefinite appointment of judges is isolated.

³⁶ Center for Promotion of Women's Rights – Her Rights, “Socially dangerous situation: answers to the most popular questions about SOP”: <https://eeprava.by/2019/02/sop-2/>; Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of Belarus, 7 February 2020, CRC/C/BLR/CO/5-6, para 25.

³⁷ Kind of community work that is considered as obligatory (tradition of soviet era).

³⁸ Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of Belarus, 7 February 2020, CRC/C/BLR/CO/5-6, para 45.

³⁹ Concluding observations of the Human Rights Committee on the fifth periodic report of Belarus, 25 October 2018, CCPR/C/BLR/CO/5, para 39; Report of the Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin, 2020, A/75/173, paras 21-24.

There are frequent cases of non-compliance with guarantees of a fair trial, including the rights to a public trial, access to a lawyer and the principle of presumption of innocence during trials of opposition representatives and civil activists.⁴⁰

One of the serious problems in the implementation of target 16.3. is the ineffective implementation of the right to protection. In fact, there is no independence and self-management of bar associations and freedom to practice the profession of a lawyer. The Ministry of Justice, unlike the bodies of advocate self-government, has the broadest powers in the field of administration of the bar. Lawyers assisting in political cases continue to face pressure and threats.⁴¹ At least 60 lawyers have been deprived of the right to profession since August 9, 2020⁴². Almost all of them carried out the protection of people detained at peaceful protests, as well as accused for political reasons. This creates an atmosphere of fear in the legal community, which leads to the fact that it is sometimes difficult to find a lawyer in politically motivated cases.

Despite certain guarantees for some vulnerable groups in the possibility of obtaining free legal aid, access to legal aid is difficult. On the one hand, there is a legislative guarantee of the right to defense in a criminal case, if the participation of a defender is mandatory in accordance with the law. On the other hand, legal assistance in this case is provided at the expense of the local budget at established rates, which are extremely low, which reduces the motivation of lawyers to take on such cases.⁴³

In 2020, the detainees mostly claimed that they were denied access to a lawyer.⁴⁴ There are numerous examples where lawyers have been arbitrarily restricted in access to their clients.

Testimonies obtained with the use of various forms of violence, although they have no legal force in accordance with the law and cannot be used as the basis

⁴⁰ National Human Rights Index in Belarus 2019, Expert commentary on the right to a fair trial: https://belhelcom.org/sites/default/files/5_pravo_na_spravedlivyy_sud_2019.pdf; Report of the United Nations High Commissioner for Human Rights, Situation of human rights in Belarus in the context of the 2020 presidential election, 2021, A/HRC/46/4, paras 48, 49.

⁴¹ Concluding observations of the Human Rights Committee on the fifth periodic report of Belarus, 25 October 2018, CCPR/C/BLR/CO/5, para 41; OSCE Rapporteur's Report under the Moscow Mechanism on Alleged Human Rights Violations related to the Presidential Elections of 9 August 2020 in Belarus, 5 November 2020: <https://www.osce.org/files/f/documents/2/b/469539.pdf>, p. 60; Report of the Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin, 2020, A/75/173, para 35.

⁴² Project "Right to protection", Prosecution of lawyers in Belarus after the 2020 elections: <https://defenders.by/lawyers-persecution-2020>

⁴³ National Human Rights Index in Belarus 2019, Expert commentary on the right to a fair trial: https://belhelcom.org/sites/default/files/5_pravo_na_spravedlivyy_sud_2019.pdf

⁴⁴ OSCE Rapporteur's Report under the Moscow Mechanism on Alleged Human Rights Violations related to the Presidential Elections of 9 August 2020 in Belarus, 5 November 2020: <https://www.osce.org/files/f/documents/2/b/469539.pdf>, p. 59.

of an accusation, are often used as evidence in court.⁴⁵ Judges unreasonably ignore the statements of the accused that the testimony was given under torture.

The ineffectiveness of the use of national remedies for the violated rights forces the citizens of Belarus to seek protection using international instruments. However, despite the fact that the Republic of Belarus has ratified the Optional Protocol to the International Covenant on Civil and Political Rights and, thus, recognized the competence of the Human Rights Committee to receive and consider appeals from Belarusian citizens, the authorities ignore the considerations made by the Human Rights Committee on individual reports of violations of civil and political rights by the State, considering that the considerations adopted under the Optional Protocol to the ICCPR, are only advisory in nature. In 2018, the Human Rights Committee expressed regret that the Republic of Belarus still did not comply with its requests for interim measures, mainly in cases involving the imposition of the death penalty, which were sent to it in accordance with the Optional Protocol, and executes these sentences before the Committee concluded its consideration of the relevant cases, arguing that such requests for interim measures were based on the rules of procedure of the Committee, and thus were not binding. The Committee is aware that 10 people have been executed in this way, and it is concerned about the fate of three more persons who have been sentenced to death and for whom temporary measures have been taken.

The Republic of Belarus systematically fails to comply with the recommendations of the UN treaty bodies, the ILO⁴⁶, the Aarhus Committee⁴⁷, GRECO of the Council of Europe,⁴⁸ which also demonstrates disregard for the rule of law at the national and international level.

TARGET 16.4 BY 2030, SIGNIFICANTLY REDUCE ILLICIT FINANCIAL AND ARMS FLOWS, STRENGTHEN THE RECOVERY AND RETURN OF STOLEN ASSETS AND COMBAT ALL FORMS OF ORGANIZED CRIME

The main problem that hinders the effective implementation of target 16.4 is a serious bias in the fight against organized crime from traditional spheres towards the fight against dissent, which has recently been demonstrated by a specialized body for combating this type of crime – the Main Directorate for

⁴⁵ Concluding observations of the Human Rights Committee on the fifth periodic report of Belarus, 25 October 2018, CCPR/C/BLR/CO/5, para 29.

⁴⁶ The International Labour Organization, in its latest report on Belarus, noted the systematic (for 17 years) non-compliance by Belarus with recommendations on the situation of trade unions and freedom of assembly: ILO, Report of the Committee on the Application of Standards, 2021: http://www.oit.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_814514.pdf, p. 123.

⁴⁷ See more: “Business and Human Rights: A Guide for Business, Government and Civil Society”, 2019: <https://biz.belhelcom.org/>, p. 122.

⁴⁸ Public declaration of non-compliance in respect of Belarus, Adopted by GRECO at its 82nd Plenary Meeting, 19 March 2019: <https://rm.coe.int/joint-first-and-second-evaluation-rounds-public-declaration-of-non-com/168093909f>

Combating Organized Crime and Corruption of the Ministry of Internal Affairs of the Republic of Belarus (GUBOPiK). Since 2020, GUBOPiK has become the main tool for suppressing peaceful protests and dissent in Belarus. Its employees are constantly involved in politically motivated detentions of opposition representatives, civil society activists, human rights defenders, as well as ordinary participants in peaceful protests. The activities of this department of the Ministry of Internal Affairs are widely covered by state media and pro-government Telegram channels. GUBOPiK has introduced and widely uses the practice of "penitential" videos, when detainees are forced "on camera" to confess to their offenses and crimes (for example, for participating in protest actions, for leaving critical comments, etc.), after which these confessions are published and widely replicated by means of state propaganda. Often, "confessions" are given by people after preliminary ill-treatment and torture, or physical or psychological influence from the employees of GUBOPiK.

TARGET 16.5 SIGNIFICANTLY REDUCE CORRUPTION AND BRIBERY IN ALL THEIR FORMS

The Belarusian authorities constantly declare at the highest level that the fight against corruption is a priority. Effective fight against corruption is defined by the Concept of National Security of the Republic of Belarus, approved by Decree of the President of the Republic of Belarus dated November 9, 2010 No. 575, as a priority area of state activity.⁴⁹ Belarus has been a party to the UN Convention against Corruption since 17.02.2005.⁵⁰ A number of specific laws, decrees and State programs aimed at combating corruption have been adopted⁵¹, however, they are not systematically evaluated. Anti-corruption bodies⁵² are not independent in their activities, which casts doubt on the effectiveness of their work. The law enforcement and judicial systems are also

⁴⁹ Decree of the President of the Republic of Belarus No. 575 of November 9, 2010 "On the approval of the Concept of National Security of the Republic of Belarus": <https://pravo.by/document/?guid=3871&p0=P31000575>

⁵⁰ United Nations Convention against Corruption, Status of ratification: <https://www.unodc.org/unodc/en/corruption/ratification-status.html>

⁵¹ The main regulatory legal acts that guide the Ministry of Justice of the Republic of Belarus and other state bodies in carrying out anti-corruption work are the laws of the Republic of Belarus "On Combating Corruption", "On Public Service in the Republic of Belarus", the Model Regulation on the Anti-Corruption Commission approved by the Resolution of the Council of Ministers of the Republic of Belarus dated December 26, 2011, No. 1732. Responsibility for offenses that create conditions for corruption and corruption offenses is established by the Code of the Republic of Belarus on Administrative Offenses, the Criminal Code of the Republic of Belarus and other legislative acts.

⁵² According to art. 9 of the Law of the Republic of Belarus "On Combating Corruption": "The Investigative Committee, the bodies of the State Control Committee, the State Customs Committee, the State Border Committee and other bodies of the Border Service, the Ministry of Taxes and Duties and its inspections, the Ministry of Finance and its territorial bodies, the National Bank, other banks and non-bank credit and financial organizations, as well as other state bodies and other organizations participate in the fight against corruption within their competence in accordance with legislative acts. Public associations participate in the fight against corruption in accordance with this Law and other legislative acts".

not independent⁵³, and therefore there are no opportunities for conducting effective anti-corruption investigations. Independent studies are not conducted in Belarus to gain a deeper understanding of the phenomenon, scale and risks of corruption in various sectors and at various levels of public administration.⁵⁴ This is due to the state's monopoly on collecting statistics.

The revenues, expenditures and financing of all central authorities are disclosed in the state budget and approved by Parliament⁵⁵. Information about the republican budget spending plan and income for the current year is available in electronic format⁵⁶. However, the issue of transparency and trust in the approved figures remains open.

In 2019, the Group of States against Corruption (GRECO) of the Council of Europe, of which Belarus was a member, publicly stated (the first such precedent in relation to a participating state for the entire existence of GRECO) that Belarus, the only one of the 50 participating countries of GRECO, refused to publish a GRECO report on the situation in the country and systematically failed to properly implement its recommendations (since 2012, Belarus has fulfilled 4 of the 24 recommendations). The vast majority of the recommendations issued to Belarus relate to fundamental requirements for combating corruption, such as strengthening the independence of the judiciary and the prosecutor's office, as well as increasing the operational independence of law enforcement agencies and limiting the term of the President's government, involving civil society in the fight against corruption, creating a strategy to combat corruption.⁵⁷

According to Transparency International's Corruption Perceptions Index, Belarus scored 41 out of 100 points on the index scale in 2021⁵⁸, which indicates the seriousness of problems in the field of corruption.

According to a survey conducted in January-February 2020 by the IPM Research Center of small and medium-sized businesses, businesses believe that the level of corruption in the State as a whole has decreased. If, according to the 2016 survey, slightly more than 45% of business representatives surveyed believed that the level of corruption in their field of activity was low, then according to the 2020 survey, almost 73% began to think so.⁵⁹ However,

⁵³ Public declaration of non-compliance in respect of Belarus, Adopted by GRECO at its 82nd Plenary Meeting, 19 March 2019: <https://rm.coe.int/joint-first-and-second-evaluation-rounds-public-declaration-of-non-com/168093909f>

⁵⁴ Public declaration of non-compliance in respect of Belarus, Adopted by GRECO at its 82nd Plenary Meeting, 19 March 2019: <https://rm.coe.int/joint-first-and-second-evaluation-rounds-public-declaration-of-non-com/168093909f>

⁵⁵ Law of the Republic of Belarus No. 142-Z of December 31, 2021 "On the Republican Budget for 2022": https://www.minfin.gov.by/upload/bp/act/zakon_311221_142z.pdf

⁵⁶ Ministry of Finance of the Republic of Belarus, The budget of the Republic of Belarus for citizens for 2022: <https://www.minfin.gov.by/upload/bp/budjet/budjet2022.pdf>

⁵⁷ Public declaration of non-compliance in respect of Belarus, Adopted by GRECO at its 82nd Plenary Meeting, 19 March 2019: <https://rm.coe.int/joint-first-and-second-evaluation-rounds-public-declaration-of-non-com/168093909f>

⁵⁸ Transparency International, Corruption Perception Index 2021: <https://www.transparency.org/en/cpi/2021/index/blr>

⁵⁹ IPM Research Center, Assessment of corruption by Belarusian small and medium-sized enterprises, 2020: <http://www.research.by/webroot/delivery/files/pdp2020r06.pdf>

business confirms that kickbacks when receiving government orders, bribes, and shadow turnover are common in Belarus. In Belarus, there is both corruption of demand and corruption of supply, but it is mainly initiated by civil servants. Business believes that corruption still has a moderately strong impact on the solution of the economic tasks facing the State: the growth and development of private business, economic growth, improving the efficiency of public administration, attracting foreign investment, increasing the level of welfare of citizens, the development of the domestic market of goods of domestic producers, as well as the resolution of economic disputes in the courts.⁶⁰

It is also common practice in Belarus to provide “exclusive” preferences for certain businesses. A. Lukashenko provides individual commercial enterprises and organizations, for example, DANA ASTRA LLC⁶¹ and ENERGO-OIL CJSC⁶², with special conditions for doing business, using his opportunity to issue decrees, thereby making decisions alone, without involving Parliament as a legislative body, which contradicts the principle of checks and balances.

TARGET 16.6 DEVELOP EFFECTIVE, ACCOUNTABLE AND TRANSPARENT INSTITUTIONS AT ALL LEVELS

Despite the consolidation of the principle of separation of powers in the Constitution as a system of checks and balances, in practice it is systematically violated.

The procedure of direct decision-making at the regional and international level remains closed to society. There is no transparent process of coordination of specific steps in the field of foreign policy between head of State and Parliament and society, strategic decisions in this area are made solely by A. Lukashenko⁶³.

The effectiveness of the functioning of the authorities is also questioned due to the poor quality and practical value of training future employees at the Academy of Public Administration under the Aegis of the President of the Republic of Belarus, which has a monopoly in the training of personnel for public service.⁶⁴

⁶⁰ Ibid.

⁶¹ Decree of the President of the Republic of Belarus No. 456 of September 22, 2014 “On the implementation of the investment project “Minsk-Mir Experimental Multifunctional Complex”: <https://etalonline.by/document/?regnum=P31400456>

⁶² Decree of the President of the Republic of Belarus No. 298 of August 7, 2019 “On the import of tobacco raw materials”: <https://etalonline.by/document/?regnum=p31900298>; Radio Svoboda, “The “Tobacco king” of Belarus. Lukashenka’s regime and cigarette smuggling”: <https://www.svoboda.org/a/tabachnyy-korolj-belarusi-rezhim-lukashenko-i-kontrabanda-sigaret/31323722.html>

⁶³ National Human Rights Index in Belarus 2019, Expert commentary on the right to participate in public affairs: https://belhelcom.org/sites/default/files/11._pravo_prinimat_uchastie_v_vedenii_gosudarstvennyh_del_2019.pdf

⁶⁴ SYMPA, “From governance to public administration: how can public administration be assessed in Belarus?”, 2022: https://sympa-by.eu/sites/default/files/library/reforma_gu_sigma.pdf p. 7

Often, the services provided by the authorities and the actions taken by them do not correspond to the real socio-political agenda and are a reflection of arbitrary decisions of the head of State.⁶⁵

TARGET 16.7 ENSURE RESPONSIVE, INCLUSIVE, PARTICIPATORY AND REPRESENTATIVE DECISION-MAKING AT ALL LEVELS

In Belarus, there is a basic problem with the recognition by the State of the importance of the role played by citizens, as well as civil society as a whole. State bodies at all levels, including representative ones, are not focused on the fact that public participation in the decision-making process strengthens the legitimacy of decisions made by the State. This leads to the formation of non-inclusive and non-transparent forms of decision-making at all levels⁶⁶.

Various instruments and forms of citizens' participation in the formation of the decision-making agenda are enshrined in the Belarusian legislation. However, in practice, these forms do not actually work or work inefficiently.

Despite the fact that in 2019 amendments were made to the Law "On Regulatory Legal Acts" and by-laws adopted in its development, which somewhat expanded the mechanisms of participation of citizens and organizations in the rule-making process, they still remained ineffective.

In Belarus, there are no concepts of interaction between state authorities and civil society organizations approved at the legislative level, and there are no public-private partnership programs. In 2021, civil society was almost completely destroyed by the Belarusian authorities. As of July 2022, more than 800 civil society organizations were forcibly liquidated or were forced to make a decision on self-liquidation.⁶⁷

In 2022, the authorities announced plans to give a legislative definition to the concept of «civil society»⁶⁸, the rhetoric about the need to create «their own» civil society is constantly heard. From this it can be concluded that the Belarusian authorities do not understand the nature of civil society, considering it as a continuation of state policy in various spheres. In general, the State treats civil society with suspicion and, in fact, views it as an enemy, not as an ally on the way to building a peaceful, just and open society in the interests of sustainable development.

⁶⁵ SYMPA, "From governance to public administration: how can public administration be assessed in Belarus?", 2022: https://sympa-by.eu/sites/default/files/library/reforma_gu_sigma.pdf p. 8

⁶⁶ National Human Rights Index in Belarus 2019, Expert commentary on the right to participate in public affairs: https://belhelcom.org/sites/default/files/11._pravo_prinimat_uchastie_v_vedenii_gosudarstvennyh_del_2019.pdf

⁶⁷ Lawtrend, Monitoring of NGOs in Belarus that are in the process of forced liquidation and have decided to self-liquidate <https://www.lawtrend.org/liquidation-nko>

⁶⁸ BelTA News Agency, "Lukashenko: people need to explain the concept of "civil society" and clearly reflect it in the legislation": <https://www.belta.by/president/view/lukashenko-ljudjam-nado-objjasnit-ponjatje-grazhdanskoe-obschestvo-i-chetko-otrazit-eto-v-497425-2022/>

Participation in elections is not a real mechanism for citizens' participation in public affairs.⁶⁹ The electoral process in Belarus for many years does not comply with a number of established international standards for democratic and fair elections and is accompanied by numerous violations of the requirements of national legislation. This is due to the lack of equal access to state media for all candidates, the lack of impartial election commissions, the facts of using administrative resources in favor of pro-government candidates, numerous facts of forcing voters to participate in early voting, the closure of a number of electoral procedures for observers. The procedures for counting votes that are not transparent to observers cause criticism, which gives rise to serious doubts about the conformity of the results of such counting with the real will of voters.

The 2020 presidential elections were held in an atmosphere of total fear, against the background of incessant repression. During the 2020 elections, more than a thousand citizens were subjected to administrative detention, hundreds were arrested or fined. For the first time during one election campaign, criminal cases were initiated against 23 people, among whom were direct participants of the election campaign (members of initiative groups, persons nominated as candidates, as well as bloggers and participants in peaceful protests and pickets to collect signatures). Significant violations of the law and the fundamental principles of the elections, including the fact that observers were deprived of the opportunity to see the counting of votes – all this does not give grounds to trust the election results announced by the CEC. It cannot be assumed that these results reflect the real will of the citizens of the Republic of Belarus.

The referendum held on February 27, 2022 on the adoption of amendments and additions to the Constitution of the Republic of Belarus also did not comply with a number of basic international standards for conducting democratic and fair electoral campaigns and were accompanied by numerous violations of these principles and requirements of national legislation. The process of discussing amendments and additions to the draft Constitution and considering the proposals sent did not take into account critical comments in any way and was another example of the formal practice of «nationwide discussion», designed to replace transparent and inclusive discussion of proposals from various groups of society. As a result, the proposed amendments to the Constitution have caused fair criticism of the expert community and citizens.⁷⁰

According to official data, as of November 1, 2019, the share of women among civil servants is 68.6%, including 58.2% - heads of organizations and their deputies, 65.8% - heads of structural divisions. At the same time, 53.8% of all

⁶⁹ OSCE Rapporteur's Report under the Moscow Mechanism on Alleged Human Rights Violations related to the Presidential Elections of 9 August 2020 in Belarus, 5 November 2020: <https://www.osce.org/files/f/documents/2/b/469539.pdf>, II.A; Report of the United Nations High Commissioner for Human Rights, Situation of human rights in Belarus in the context of the 2020 presidential election, 2021, A/HRC/46/4.

⁷⁰ "Human Rights Defenders for Free Elections" Campaign, Final analytical report of the expert mission to assess the national referendum of 2022 on the issue of amendments and additions to the Constitution of the Republic of Belarus: https://spring96.org/files/misc/referendum_2022_final_report_en.pdf, p. 2

male civil servants hold senior positions (heads of organizations and their deputies, heads of structural divisions), among women employed in the civil service, this figure is 42.1%. Among the employees of the Ministry of Foreign Affairs, the proportion of women is 34%.⁷¹

The main problems in the field of access to public service are discrimination against women during promotion⁷², the lack of clear objective and public criteria for who is eligible for appointment to public service and promotion, the existence of so-called «nepotism» when appointing to high-paying positions, appointment and promotion often occurs on the basis of the criterion of «loyalty» the leadership of the country, but not the efficiency in the previous position.⁷³

After the mass protests of the summer-autumn of 2020, there was a tendency to «purge» the state apparatus of undesirable people, as well as creating obstacles to access to public service for those who showed disloyalty to the current government.⁷⁴

TARGET 16.9 BY 2030, PROVIDE LEGAL IDENTITY FOR ALL, INCLUDING BIRTH REGISTRATION INDICATOR

Despite the fact that, in general, the problem of the lack of identity cards has been solved, nevertheless, there are cases when people born in Belarus are not citizens of the country – first of all, this concerns the representatives of the Roma. This situation occurred for various reasons, including due to the change of residence by Roma representatives in search of work, better living conditions, etc. However, officials, knowing about this problem, do not take specific legislative measures to solve it. Such people are recognized as stateless persons, therefore, in order to obtain Belarusian citizenship, they need to go through a complex multi-step procedure. The absence of identity documents, as a rule, entails obstacles to the realization, first of all, of the right to work, as well as the right to health, education, social security, etc.⁷⁵

Homeless people and people who have been released from prison face difficulties in replacing identity cards. For both the first and second groups,

⁷¹ Belstat, Labor and employment in the Republic of Belarus, 2020: statistical collection: <https://www.belstat.gov.by/upload/iblock/c17/c1758aafc21ec069dafba92b27dea768.pdf> , p.131.

⁷² Concluding observations of the Committee on the Elimination of Discrimination against Women on the eighth periodic report of Belarus, 28 October 2016, CEDAW/C/BLR/CO/8, para 28.

⁷³ National Human Rights Index in Belarus 2019, Expert commentary on the right to participate in public affairs: https://belhelcom.org/sites/default/files/11._pravo_prinimat_uchastie_v_vedenii_gosudarstvennyh_del_2019.pdf

⁷⁴ National Human Rights Index in Belarus 2020, Expert commentary on the right to participate in public affairs: https://belhelcom.org/sites/default/files/11._pravo_prinimat_uchastie_v_vedenii_gosudarstvennyh_del_2020.pdf

⁷⁵ Belarusian Helsinki Committee, “Discrimination of certain vulnerable groups in Belarus”, 2018: https://belhelcom.org/sites/default/files/discrim_uyazvimje_rus.pdf, pp. 25-27

the key point for obtaining a passport or residence permit that has been lost or expired is the financial component. The procedure for restoring the passport does not provide for exemption from payment of the fee. In the case of homeless people, such expenses in some cities of Belarus may be covered by local budgets or budgets of temporary stay centers, which is very rare and rather an exception to the rule⁷⁶. In the case of persons released from prison, there are no such opportunities. The absence of an identity document is an administrative violation, allowing the imposition of a fine of up to four basic values.

TARGET 16.10 ENSURE PUBLIC ACCESS TO INFORMATION AND PROTECT FUNDAMENTAL FREEDOMS, IN ACCORDANCE WITH NATIONAL LEGISLATION AND INTERNATIONAL AGREEMENTS

In Belarus, there is no separate special regulatory act on access to information under the jurisdiction of state and local self-government bodies. Access to draft regulatory legal acts, as well as to information on the law enforcement practice of State bodies, is significantly limited.⁷⁷ Existing norms and practices do not provide effective access to such information. The Law “On Information, Informatization and Information Protection” grants state bodies the right to arbitrarily restrict the dissemination of socially significant information, including those related to the environment.

Despite the increased availability of environmental information, executive authorities are not sufficiently familiar with the norms on public access to environmental information, which is expressed in non-compliance with the deadline for its provision, consideration of requests in accordance with the legislation on appeals of citizens and legal entities, provision of information not in the requested form (for example, instead of providing a copy of the protocol of public discussions the answer, in which the contents of the protocol were rewritten, was given), in the refusal to provide information on far-fetched grounds.⁷⁸

⁷⁶ Belarusian Helsinki Committee, Human Constanta, Libereco – Partnership for Human Rights, “Homeless People and the Right to Housing in Belarus”, 2019: https://belhelcom.org/sites/default/files/report_homeless_belarus_-_english_-_web_version_sized.pdf; The decision of the Grodno Regional Executive Committee of 26.03.2010 N 241 “On the procedure for registration of citizens without a fixed place of residence in the Grodno region”, para. 2; The decision of the Minsk City Executive Committee of 22.11.2007 N 2782 (ed. of 27.05.2010) “On the procedure for registration of persons without a fixed place of residence in the city of Minsk”, para 3; The decision of the Malorita district Executive Committee of 12/14/2009 No. 1359 “On the procedure for registration of citizens without a fixed place of residence in the city of Malorita”, para 6; Decision of the Baranovichi city Executive Committee of 18.08.2009 N 2037 “On the procedure for registration of citizens without a fixed place of residence in Baranovichi”, para 6

⁷⁷ Ibid

⁷⁸ Ecodom, Access to environmental information: issues of implementation and protection of the right, 2018: https://greenbelarus.info/files/downloads/dostup-k-ekoinformatsii_obzor_ekodom.2018.pdf

State bodies in Belarus do not take into account the "public interest" as a category that determines the legality of providing this or that information. Thus, in the Law "On Mass Media" there is no mention of the public functions of journalists and mass media, guarantees of the exercise of their right to access information in connection with the exercise of professional activity.

In general, the right to freedom of expression is seriously restricted in Belarus. In 2020, pluralism of opinions has become almost impossible. Dissent is suppressed and punished, censorship and self-censorship are growing. In 2020-22, the main independent media were destroyed, some journalists were taken into custody on politically motivated charges, for example, journalists of Nasha Niva, the largest portal TUT.BY. Many foreign journalists (journalists of ARD TV channel, Associated Press, BBC, Radio Free Europe/Radio Liberty, etc.) were deprived of accreditation and expelled from the Republic of Belarus⁷⁹.

Since 2020, there has been widespread arbitrary application of anti-extremist legislation in order to restrict freedom of expression. Access to information, various points of view has become difficult.⁸⁰

From August 9 to 12, 2020, Internet access was practically blocked in Belarus. Subsequently, problems with access to the Internet were repeatedly observed during mass events. In addition, the Ministry of Information decided to restrict access to more than 70 Internet resources "containing calls and used to coordinate activities for organizing mass disobedience to government officials," as well as for "a number of articles negatively characterizing the situation in Belarus after the end of the electoral campaign and discrediting the activities of state bodies, including law enforcement organs".

Legislative acts, which, among other things, relate to human rights, are often not submitted for open discussion. There are many examples when bills on changing legislation aimed at restricting human rights are adopted without public discussion, the texts of such bills are often published after their adoption by the lower house of Parliament.

Belarus has a national statistical committee, Belstat, which publishes information related to various spheres of public life. However, many data of public interest are not collected or published by Belstat. In addition, Belstat does not publish disaggregated data; some socially significant data are available only on a paid basis. If in 2020 statistics on COVID-19 deaths were published on a permanent basis, then in 2021 it was hidden.⁸¹

⁷⁹ National Human Rights Index in Belarus 2020, Expert commentary on the right to freedom of expression, https://belhelcom.org/sites/default/files/8_pravo_na_svobodnoe_vyrazhenie_mneniya_2020.pdf

⁸⁰ National Human Rights Index in Belarus 2020, Expert commentary on the right to freedom of expression, https://belhelcom.org/sites/default/files/8_pravo_na_svobodnoe_vyrazhenie_mneniya_2020.pdf

⁸¹ National Human Rights Index in Belarus 2020, Expert commentary on the right to freedom of expression, https://belhelcom.org/sites/default/files/8_pravo_na_svobodnoe_vyrazhenie_mneniya_2020.pdf

TARGET 16.A STRENGTHEN RELEVANT NATIONAL INSTITUTIONS, INCLUDING THROUGH INTERNATIONAL COOPERATION, FOR BUILDING CAPACITIES AT ALL LEVELS, IN PARTICULAR IN DEVELOPING COUNTRIES, FOR PREVENTING VIOLENCE AND COMBATING TERRORISM AND CRIME

There is still no independent national human rights institution in Belarus in accordance with the UN Paris Principles, despite the repeated recommendations of UN Committees on the establishment of such an institution⁸² and the recommendations of the Special Rapporteur on the human rights situation in Belarus⁸³. The institutions represented by the Belarusian authorities as human rights institutions do not comply with the Paris Principles concerning the status of national institutions engaged in the promotion and protection of human rights.⁸⁴

TARGET 16.B PROMOTE AND ENFORCE NON-DISCRIMINATORY LAWS AND POLICIES FOR SUSTAINABLE DEVELOPMENT

There is still no comprehensive anti-discrimination legislation in the Republic of Belarus, despite the relevant recommendations of the UN treaty bodies⁸⁵. Moreover, the State does not realize the central role of the principle of non-discrimination and equality for the successful achievement of the SDGs by 2030⁸⁶. In 2019, the Interdepartmental Plan for the implementation of the recommendations adopted by the Republic of Belarus following the second cycle of the universal periodic review in the UN Human Rights Council and the recommendations addressed to the Republic of Belarus by the human rights

⁸² Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twentieth–twenty-third periodic reports of Belarus, 5 December 2017, CERD/C/BLR/CO/20-23, para 13: *Recalling its general recommendation No. 17 (1993) on the establishment of national institutions to facilitate the implementation of the Convention, the Committee reiterates its recommendation (see CERD/C/BLR/CO/18-19, para. 15) that the State party expedite efforts to establish a single fully independent human rights institution with a broad mandate for the promotion and protection of human rights, including receiving and processing complaints from individuals, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles)*; Concluding observations of the Committee on the Elimination of Discrimination against Women on the eighth periodic report of Belarus, 28 October 2016, CEDAW/C/BLR/CO/8, para 15; Concluding observations of the Committee on Economic, Social and Cultural Rights on the seventh periodic report of Belarus, 4 March 2022, E/C.12/BLR/CO/7, paras 7, 8.

⁸³ Report of the Special Rapporteur on the situation of human rights in Belarus, 8 April 2020, A/HRC/44/55, para 19

⁸⁴ Concluding observations of the Human Rights Committee on the fifth periodic report of Belarus, 25 October 2018, CCPR/C/BLR/CO/5, para 13

⁸⁵ Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of Belarus, 7 February 2020, CRC/C/BLR/CO/5-6, para 15; Concluding observations of the Human Rights Committee on the fifth periodic report of Belarus, 25 October 2018, CCPR/C/BLR/CO/5, para 15; Concluding observations of the Committee on the Elimination of Discrimination against Women on the eighth periodic report of Belarus, 28 October 2016, CEDAW/C/BLR/CO/8, para 9; Concluding observations of the Committee on Economic, Social and Cultural Rights on the seventh periodic report of Belarus, 4 March 2022, E/C.12/BLR/CO/7, paras 9-10

⁸⁶ The Special Rapporteur on the human rights situation in Belarus shares the same opinion: Report of the Special Rapporteur on the situation of human rights in Belarus, 8 April 2020, A/HRC/44/55, para 20.

treaty bodies for 2016-2019 was completed. One of the activities of the Plan was "conducting an analysis of legislative acts regarding the need to consolidate in them normative prescriptions on the inadmissibility of discrimination on any grounds, as well as determining the feasibility of preparing a comprehensive legislative act prohibiting such discrimination." Civil society and relevant NGOs had certain hopes for the adoption of the law based on the results of the study of this issue. However, in 2019 it became known that the government recognized that it was inappropriate to adopt comprehensive anti-discrimination legislation. Inclusive national consultations were not held with interested civil society organizations to discuss the feasibility of adopting anti-discrimination legislation.

The lack of comprehensive anti-discrimination legislation continues to be one of the reasons why many vulnerable groups are unable to fully exercise the rights guaranteed by the International Covenant on Economic, Social and Cultural Rights. In the absence of comprehensive anti-discrimination legislation, a definition of indirect discrimination, a universal ban on discrimination in all spheres of life, a requirement for mandatory anti-discrimination expertise in the process of drafting regulations, as well as effective remedies, state equality policies are not able to effectively provide protection against direct and indirect discrimination.

One of the significant problems in the implementation and protection of the right to equal treatment and non-discrimination is the lack of effective mechanisms in Belarus for considering claims of discrimination. In the absence of a national human rights institution, one of the few ways to protect the right to equal treatment is to go to court. However, the legal positivism prevailing in legal and judicial practice, as well as the lack of consolidation of various forms of discrimination in legislation, except for one rather controversial definition in article 14 of the Labor Code, makes it difficult to use appeal to the court as a tool to protect the right to equal treatment.

In 2018, a draft law «On the rights of persons with disabilities and their social integration» was prepared, in which separate novelties on discrimination and its prohibition were introduced. But as it was already mentioned in the beginning of the report, the first law draft was not in compliance with the provisions of the Convention. The law has been adopted in the end of June 2022 and comes into force in 6 months, the final version of the draft law was not available to the public.⁸⁷

The state does not notice certain vulnerable groups of the population. Under the topic of discrimination, the State understands either discrimination based on biological sex or disability, thereby excluding a huge number of vulnerable groups from the legal field.

The Labor Code still prohibits the involvement of women in heavy work and work with harmful and (or) dangerous working conditions, as well as underground work (non-physical work or work on sanitary and household

⁸⁷ The law was adopted when this report was already sent for layout and, unfortunately, it was not possible to insert an analysis of this law into the report.

services). It is prohibited to involve women in the performance of work related to lifting and moving weights manually, exceeding the limits set for them (art. 262). Certain types of work schedules (night and overtime work, work on holidays and weekends, business trips) are also prohibited or restricted for some categories of women.

In its Concluding Observations of November 25, 2016, the Committee on the Elimination of Discrimination against Women recommended that Belarus, among other things, «revise the restrictive list of professions and ensure that it includes only those restrictions that are absolutely necessary for the protection of maternity in the strict sense of this concept».⁸⁸

Discrimination in employment remains an unresolved problem in Belarus, especially against women, people with disabilities and people living with HIV.⁸⁹ People with disabilities are limited in their choice of profession due to the type and degree of disability, because of this, in most cases they live below the poverty line. In 2018, the Human Rights Committee expressed concern about reports that work to ensure the physical accessibility of public places, public transport, buildings and other facilities and to integrate disabled children into the inclusive education system is slow.⁹⁰

Because of the state policy of «traditional values», the state has made an enemy of representatives of the LGBTQ+ community. Amendments to the Constitution adopted on February 27, 2022, enshrined that marriage is a union of a man and a woman, thereby closing the potential discussion of the right to marriage for same-sex couples to the public. Hate speech and hate crimes against the LGBTQ+ community are widespread.⁹¹

Discrimination against Roma continues to take place, including in the form of the use of hate speech against Roma by state media and state bodies, racial profiling by law enforcement agencies, ignoring the issue of Roma girls in marriage, high illiteracy statistics and non-attendance of schools among Roma children.⁹²

Due to the repression that unfolded in 2021 against civil society organizations, representatives of vulnerable groups were left essentially without protection, since it was NGOs that provided a number of unique services that were not provided by the state.

⁸⁸ Concluding observations of the Committee on the Elimination of Discrimination against Women on the eighth periodic report of Belarus, 28 October 2016, CEDAW/C/BLR/CO/8, para 178.

⁸⁹ Report of the Special Rapporteur on the situation of human rights in Belarus, 8 April 2020, A/HRC/44/55, para 11.

⁹⁰ Concluding observations of the Human Rights Committee on the fifth periodic report of Belarus, 25 October 2018, CCPR/C/BLR/CO/5, para 21.

⁹¹ Concluding observations of the Human Rights Committee on the fifth periodic report of Belarus, 25 October 2018, CCPR/C/BLR/CO/5, para 19; Report of the Special Rapporteur on the situation of human rights in Belarus, 8 April 2020, A/HRC/44/55, para 14.

⁹² Concluding observations of the Human Rights Committee on the fifth periodic report of Belarus, 25 October 2018, CCPR/C/BLR/CO/5, para 17; Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twentieth–twenty-third periodic reports of Belarus, 5 December 2017, CERD/C/BLR/CO/20-23, paras 23-24.

Discrimination based on language became especially relevant after the 2020 elections, when Polish schools, courses, and Belarusian schools began to close⁹³. Russian is generally given priority at the domestic and state level, despite the constitutional consolidation of the Belarusian and Russian languages as state languages. The number of hours spent on studying the Belarusian language and literature in schools is several times less than the Russian language and literature.⁹⁴

The migration crisis of 2021, which was provoked by the Belarusian authorities,⁹⁵ showed the inhumane attitude of the State towards migrants, where a person and his life had no value, but was a way to achieve some goals. So, four corpses were found by border guards on August 19, 2021 in various places along the Polish-Belarusian border. The authorities are not properly investigating the deaths of migrants at the border.

Education is not fully accessible to everyone, especially vulnerable groups. The education system has been and remains focused on the average child. Children with special needs, children of a certain social status, children from rural areas seriously «drop out» of the education system.⁹⁶

There are no educational state programs on combating discrimination against all discriminated groups in the State. Until 2021, various public and human rights organizations were engaged in education, but their liquidation complicated the possibility of promoting ideas to combat discrimination.

⁹³ Concluding observations of the Committee on Economic, Social and Cultural Rights on the seventh periodic report of Belarus, E/C.12/BLR/CO/7, 4 March 2022, para 45.

⁹⁴ Report of the Special Rapporteur on the situation of human rights in Belarus, 8 April 2020, A/HRC/44/55, para 13.

⁹⁵ OpenDemocracy, “On the border with death: how and why Belarus provoked the migration crisis”:

<https://www.opendemocracy.net/ru/kak-i-zachem-belarus-sprovotsirovala-migratsionnyy-krizis/>

⁹⁶ National Human Rights Index in Belarus 2020, Expert commentary on the right to education: https://belhelcom.org/sites/default/files/14._pravo_na_obrazovanie_2020.pdf

RECOMMENDATIONS

RECOMMENDATIONS TO THE GOVERNMENT:

GENERAL RECOMMENDATIONS:

- The implementation of the SDGs should be carried out in close relationship with Belarus' international legal obligations on human rights;
- When making decisions, State officials should proceed from the fact that economic development and social stability are naturally based on respect for human rights;
- It is necessary to bring national legislation in line with the recommendations of international monitoring bodies and ensure the correlation of all policy documents on the implementation of the SDGs to these recommendations;

RECOMMENDATIONS ON EFFECTIVE INSTITUTIONS AND GENERAL POLICY IN THE FIELD OF ENSURING THE RULE OF LAW:

- It is critically important to restore the principle of separation of powers, giving real powers to both the judiciary and Parliament; eliminate the distortions that have only intensified with the adoption of the new version of the Constitution;
- Reform the judicial system to ensure that all judges carry out justice without any pressure or interference;
- Repeal all unconstitutional amendments to legislation introduced starting from 2020 that are repressive in nature (as minimum: labor legislation, legislation on information, Criminal Code, Administrative Code);
- Strictly adhere to the principle of the rule of law declared in the Constitution;
- Establish the institution of a Human Rights Commissioner in accordance with the Principles Relating to the Status of National Institutions (Paris Principles) 1993;
- Ensure transparency of decisions taken at the state level (including full participation of civil society)

RECOMMENDATIONS REGARDING SPECIFIC AREAS/RIGHTS:

- Properly investigate all reports of the use of violence by law enforcement officers since 2020, as well as the inaction of control

bodies (Prosecutor's Office, court) and bring the perpetrators to justice, as well as create effective institutions that guarantee non-repetition of these serious violations;

- Develop, in close cooperation with civil society organizations, and adopt the Law "On Domestic Violence";
- Implement the recommendations of GRECO of the Council of Europe;
- Abolish corrupt practices of state financing of propaganda and affiliated state structures used for political purposes (for example, the BRSM, etc.);
- Abolish restrictions on the activities of independent media and journalists;
- Adopt comprehensive anti-discrimination legislation taking into account the recommendations of the treaty bodies and the UN Human Rights Council, as well as best practices.

RECOMMENDATIONS TO INTERNATIONAL ORGANIZATIONS WORKING ON ASSISTANCE PROJECTS WITH BELARUS (INCLUDING THE UN SYSTEM, THE COUNCIL OF EUROPE, THE EU), AS WELL AS OTHER DONORS:

- Working with the current government of Belarus as a partner, it is necessary for international institutions to revise the current uncritical approach to dialogue as a tool (the latter is especially characteristic of the UN system). This is necessary to avoid manipulation of such a partnership by the Belarusian authorities;
- Analyze the process of implementing the SDGs by Belarus and develop further plans and indicators, taking into account the implementation of relevant recommendations of specialized UN human rights bodies;
- Take into account that now almost the entire independent institutional sector of civil society in Belarus has been liquidated and the authorities are trying to replace it with a new pool of NGOs that are actually affiliated with the State and dependent on it (GONGO). In this regard, it is important to choose such partners carefully in consultations with authoritative Belarusian NGO and experts from civil society, which now mostly are in exile.