

BELARUS

VIOLATION OF THE SOME RIGHTS OF THE CHILD

Analytical report



CONTENT

Content	2
Who we are	3
Introduction	4
Summarizing conclusions	6
I. Right to education: adequacy of forms and methods of school education and their correspondence to the purpose of education	8
Measures of ideological education that violate the rights of the child	8
Participation of children in community work as forced labor practice	11
Violation of the child's right to freedom of expression, thought and conscience	12
The behavior and competence of teachers as one of the indicators of (not) proper realization of the right to education	13
II. Violation of the rights of the child outside the educational process	15
Participation of children in "penitential" videos	15
Demonstrative detentions of teenagers	15

In July 2022 Belarusian Helsinki Committee has issued a report on some children's rights violations in Belarus.¹ The present paper is a summary of this report, translated in English for broader dissemination.

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¹ The full report prepared by the BHC experts Ekaterina Deikalo, Anastasia D., Aleh Hulak

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), **death penalty** (BHC carries out research and opens new aspects of death penalty such as overall brutalization of societies in which death penalty is practiced, for those interested); **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.

INTRODUCTION

Belarus traditionally positions itself as a state with a developed social policy. Taking care of children is always emphasized. At the same time, the preservation and enhancement of the legacy of the Soviet system of governance in Belarus, in addition to disrespect for civil and political rights, distorts the meanings of social, economic and cultural ones, turning concern for the people mostly into populism.

The Committee on the Right of the Child in its latest report on Belarus (2020) called on Belarus to revise its approach (including legislation) to ensure that children are considered as subjects of rights rather than objects of State protection.²

Most of the report is devoted to the right to education (at the school level), namely, the adequacy of the forms and methods of school education and their compliance with the goals of education as they fixed in the standard of the Convention on the rights of child 1989.³ The focus of the report is largely conditioned by the problems exacerbated by recent events - the political and human rights crisis in Belarus after the 2020 presidential elections and the war in Ukraine. These events caused a reaction of authorities - overly activated intentions to take up the patriotic education of children, which indeed means strengthening propaganda inside the educational process.

According to the Human Rights Index in Belarus, the right to education at the secondary school level, criteria “the form and content of secondary education, including programs and teaching methods, are adequate, of high quality and take into account the cultural characteristics of students” was evaluated as 3.5 out of 10 points for 2020, down from 4.5 points in 2019.⁴

Methodology of research

Data was collected during the monitoring of public sources of information (mass media, social networks) and from questionnaires

² Concluding observations on the combined fifth and sixth periodic reports of Belarus, 2020, CRC/C/BLR/CO/5-6, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/053/93/PDF/G2005393.pdf?OpenElement> , para 5

³ Belarus is a party since 1990

⁴ Index developed by Belarusian Helsinki Committee in 2020 and calculating by the 50 experts, representing Belarusian civil society <https://index.belhelcom.org/>.

developed by BHC experts for parents and children, as well as for teachers. The questionnaires contained both - closed and open-ended questions, which allowed not only to collect statistical data, but also to obtain detailed information and narratives on specific aspects of violations of the rights of the child. We have collected answers of 494 respondents in the parents and children group and 76 respondents in the teachers group.⁵

Full version of the report in Russian language contains detailed statistical information, this resume contains a generalized version of the data.

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⁵ Due to the ongoing second year of severe repression in Belarus, many people (especially employees of state institutions - in this case teachers) are very reluctant to participate even in anonymous surveys. In such circumstances, it is difficult to provide a representative sample. That is why our research cannot be considered as sociological research in full extent, but nevertheless it performs illustrative material for understanding the scope and essence of the problems.

SUMMARIZING CONCLUSIONS

The school system in Belarus is in principle (regardless of the specific political context) presumes that the child should absorb and agree with everything that teachers say, not discuss or reflect on it. This is part of the system created by the state which forms a person loyal to the state, to whom “the state gives everything” and therefore can demand from him everything that it needs when it necessary.

The forms and methods of education systematically used in Belarusian schools are accompanied by various forms of coercion, the imposition of one point of view, insults, intimidation, encouragement of the cult of force and militarism, inciting hatred against certain social groups (people who oppose the current government) and national groups (imposing the myth of "Ukrainian fascists"). They are unacceptable and inadequate from the point of view of the international standard of the right to education, since they do not correspond to the goals of education, and, therefore, violate the right to education.

In addition to violating the right to education, such methods and forms violate a number of civil and political rights of children and their constitutional guarantees: the right to information, freedom of expression, freedom of thought and conscience, freedom from all forms of physical or psychological violence, insult or abuse, the right privacy, non-discrimination standard.

Raising children in the spirit of patriotism is an acceptable goal that does not contradict standards and generally accepted practices. However, in the current Belarusian reality, in fact, patriotic education is part of the system of forming a person's values, focused on the rule of the state and the power of the “strong”, and not on the rule of law and respect for the individual.

A large segment of ideological work and the "patriotism" education - the formation of attitudes towards the western neighbors of Belarus as enemies, as well as the formation of an exceptionally positive perception of Russia as a state that must be supported in everything. It forms the perception of illegal and forceful actions as norms, root the dichotomous model of perception of the outside world as “friends-enemies”.

In fact, there are not many direct clear orders "from above" to teachers and school directors as to ideological context imposed by state. The main problem is that soft forms of pressure are used. The

whole system is built on the fact that the school administration and teachers do what is necessary without official papers and direct orders. They try to educate children in the same way - to do what the elder, the authority says, and not require any legal, formal justifications.

The practice of recording “repentant” videos and “demonstrative” detentions of teenagers (the second practice has developed in the Gomel region), in addition to violating a number of their civil and political rights, is fraught with a deep imprint on the child’s psyche. Children are an extremely vulnerable group, which increases the negative effect of such public executions. Both detained teenagers and those who are forced to watch public detentions or “repentance” videos can experience severe psychological trauma, causing problems with social adaptation and full development, as well as with the formation of perception and awareness of personal dignity. Such experiences can become traumatic, give rise to feelings of helplessness, impotence and fear, and obviously do not contribute to the development of a harmonious personality.

I. RIGHT TO EDUCATION: ADEQUACY OF FORMS AND METHODS OF SCHOOL EDUCATION AND THEIR CORRESPONDENCE TO THE PURPOSE OF EDUCATION

Measures of ideological education that violate the rights of the child

As part of the educational process at school, more and more attention is paid to **patriotic and, in particular, military-patriotic education**. In itself, raising children in the spirit of patriotism is a completely acceptable goal that does not contradict standards and generally accepted practices. However, in the current Belarusian reality, in fact, patriotic education is part of the system of forming values focused on the supremacy of the state and power, and not on the rule of law and respect for the individual.

The “patriotic” education in the Belarusian school is based on the “only correct” point of view regarding the state and prohibits any disagreement with it.⁶

One of the forms of patriotic education in Belarus is the **forced participation of children in public events** organized by the administration of the educational institution, directly or indirectly demonstrating support for the policy pursued by the country's leadership (rallies, patriotic actions, flash mobs, etc.). Such events are held on all public holidays, and they can also be timed to some public-political events: “school line”, where the teachers or school administration cover the war in Ukraine, calling it a “special operation”, list “unfriendly” countries, impose “love” for Russia; concerts dedicated to the elections; marching to patriotic songs; sporting events under national flags; building on the street with multiple performances of the anthem; collective listening to speeches by A. Lukashenko; etc.

A distinctive feature of such events is their propagandistic focus on the formation of a clear socio-political model of behavior among adolescents. Activities can often be carried out to the detriment of the educational process during school classes without the knowledge and consent of parents. Any such event is accompanied by photographing with official state symbols: a flag, a coat of arms,

⁶ The very definition of the concept of “ideological education”, enshrined in the Education Code of Belarus, violates the standard of freedom of opinion and belief, as it directly indicates that such education is aimed at forming students' knowledge of the basics of **state ideology** (Article 17 (5.1)).

a performance of the anthem and a “pro-government” speech. Such photos are often published by educational institutions in their social networks without parental consent. As a rule, participation in such patriotic events is not voluntary: schoolchildren are forced to attend ideological events by threats or the promise of high grades.⁷

In patriotic education, there is also **a militaristic narrative** in great concentration. The emphasis is shifted from respect for the human person, justice and the desire for peace, which are transmitted through an understanding of the monstrous consequences of any war, to the education of a cult of strength, interest in war: children are dressed up in military uniforms, given weapons, military-patriotic camps are created for them and they are provided with one-sided and biased information about modern armed conflicts.

After the beginning of the post-election crisis in 2020 and the protests, this trend has intensified. In the summer of 2021, military-patriotic camps began their work. There, children get acquainted with the soldier's life, participate in military-sports activities, learn drill and handling weapons.⁸ In one of these camps, a detachment called “OMON”⁹ was created, allegedly on the initiative of the schoolchildren themselves. Since September 1, 2021, the post of head of military-patriotic education has been introduced in Belarusian schools.¹⁰

On the eve of Victory Day (May 9), the number of ideological military-oriented events increased, and the participation of children in them was traditionally an integral element of them. As part of such events, children are dressed up in Soviet military uniforms, forced to hold models of weapons in their hands and read

⁷ Telegram-channel “Belarus golovnogo mozga”: <https://t.me/belamova/28166>
<https://t.me/belamova/28118> <https://t.me/belamova/28012>; Telegram-channel “Belarus za MKADom”: <https://t.me/zamkadomby/13912>

⁸ Telegram-channel “Belarus za MKADom”: <https://t.me/zamkadomby/8689>; BELTA News Agency, “Today it is especially important to form correct ideas about military service among young people - Karpenko”: <https://www.belta.by/society/view/segodnja-osobenno-vazhno-sformirovat-u-molodezhi-pravilnye-predstavlenija-o-voennoj-sluzhbe-karpenko-452391-2021/>; BELTA News Agency, “Kochanova: military-patriotic camps are important and significant for our country”: <https://www.belta.by/society/view/kochanova-voenno-patrioticheskie-lagerja-vazhny-i-znachimy-dlja-nashej-strany-449770-2021/>

⁹ It is important to emphasize that the OMON is one of divisions of the police, responsible for the use of excessive force and torture against peaceful protesters in 2020. For more information, see the Report of Belarusian human rights organizations on the human rights situation in Belarus in the post-election period, “Belarus after the elections”: https://spring96.org/files/misc/belarus_after_election_report_2020_en.pdf

¹⁰ Information portal of the city of Grodno Newgrodn.by, “From September 1, the position of the head of military-patriotic education will be introduced in schools”: <https://newgrodn.by/society/voenruk/>

poems about the need to "beat the fascists", handed "summons to the front".¹¹ Preschoolers also took part in performances where, wearing appropriate outfits, they played the roles of wounded soldiers or prisoners of concentration camps.¹² Schoolchildren are usually forced to go to the parade and other events dedicated to May 9, having state symbols with them, through threats with bad grades or the promise of good ones, insults and manipulation of the concept of "patriotism".¹³

With the beginning of the Russian invasion into Ukraine and the outbreak of war in February 2022, the movement towards military-patriotic education in Belarusian schools reached an unprecedented degree. On May 4, 2022, Alexander Lukashenko signed a decree on the development of military-patriotic clubs. Their goal is "civil and patriotic education of children and youth, increasing their motivation to serve in the army, law enforcement and emergency situations agencies [...]".¹⁴

Based on the official materials for the unified information hour dedicated to the events in Ukraine, schoolchildren are convinced of the peaceful nature of Belarus' actions, and the teachers also call Russia's attack on Ukraine a "special military operation."¹⁵ In fact, calling the war a "special military operation", educational institutions form the idea among schoolchildren that a situation when one state attacks another independent state using armed force is permissible.

Since the school is considered by the state as one of the instruments of influence on a person for political purposes, **representatives of the authorities also take over part of the "educational" process**: security forces and military, border guards, emergency workers, deputies of local councils, riot police officers.

¹¹ Telegram-channel "Belarus golovnogo mozga": <https://t.me/belamova/28032>; Telegram-channel "Belarus za MKADom": <https://t.me/zamkadomby/14764>
<https://t.me/zamkadomby/14429>

¹² Telegram-channel "Bobruisk Online": https://t.me/bobruisk_online/5575

¹³ Telegram-channel "Belarus golovnogo mozga": <https://t.me/belamova/28166>
<https://t.me/belamova/28118> <https://t.me/belamova/28012>

¹⁴ Decree of the President of the Republic of Belarus № 160 "On the development of military-patriotic clubs", May 4, 2022:
<https://president.gov.by/bucket/assets/uploads/documents/2022/160uk.pdf>

¹⁵ National Educational Portal, A single information hour for students of grades I–XI of general secondary education institutions:
<https://www.adu.by/ru/homepage/novosti/aktualnaya-informatsiya/5485-edinyj-informatsionnyj-chas-dlya-uchashchikhsya-i-xi-klassov-uchrezhdenij-obshchego-srednego-obrazovaniya.html>

Meetings with them can be part of a school event, or a specially organized event.

Special mention should be made of specially organized meetings with representatives of law enforcement agencies. Often the central theme of such meetings is the promotion of the correctness of the course of the current government, the formation of a negative attitude to the peaceful protests of 2020 and the fear of their repetition: children are convinced that people paid by Western special services, people with drug or alcohol addictions and football fans go to rallies, intimidate, mentioning the death penalty, claim that children cannot express their opinions while they are minors. At such events, an attitude towards Belarus' western neighbors as enemies is formed, as well as an exceptionally positive perception of Russia as a state that needs to be supported in denazification. There are meetings where representatives of law enforcement agencies teach schoolchildren how to handle a police baton and shield, put on a uniform and shout into a megaphone.¹⁶

Recently, **events to familiarize students with the specifics of the functioning of the criminal justice system** have also become an integral part of the ideological education of schoolchildren. Schoolchildren are given “excursions” to internal affairs departments, correctional institutions¹⁷, where they visit cells for detainees, sit in a “straitjacket chair”¹⁸, and are also brought to the trials of their peers¹⁹.

Participation of children in community work as forced labor practice²⁰

The Belarusian school education system in most cases is not able to provide either the legal form or the true meanings of rising children with respect to work, which in itself is adequate. The forced nature of involvement in such event as “subbotnik”, firstly,

¹⁶ Telegram-channel “Belarus za MKADom”: <https://t.me/zamkadomby/13250>
<https://t.me/zamkadomby/14092> <https://t.me/zamkadomby/14147>

¹⁷ Telegram-channel “Viasna / Human rights in Belarus”: <https://t.me/viasna96/10313>

¹⁸ Telegram-channel “Belarus za MKADom”: <https://t.me/zamkadomby/11967>

¹⁹ Telegram-channel “Belarus za MKADom”: <https://t.me/zamkadomby/13711>

²⁰ So called “subbotnik” - event common in the Soviet era, held usually on Saturday (in Rus. - Subbota), which was holding in all organizations and working teams when people had to do some work on cleaning common space (inside building and outside). But the problem is that it was non voluntary, was a part of collectivism promotion and served (and still does) as a tool for building and strengthening of obedience and dependance of person on the employer.

in itself violates the rights of the child, secondly, does not contribute to the upbringing of responsibility for common space and environment. But, on the contrary, it brings up unquestioning obedience to elders, the habit of not asking unnecessary questions and not demanding legal grounds and explanations.

Being within the framework of the educational process, children are dependent on the educational institution and its administration. As in the case of participation in the activities described above, there are often no legal grounds and formal direct orders for mandatory participation in “subbotniks”, but there is also practically no real freedom of choice. At the same time, it is important to note that raising children with respect to work and labor cannot be forced, with threats and intimidation. It is more about meanings and pedagogical skills.

The State, in turn, covers inadequate forms of labor education with ideology and education of respect for work.

Violation of the child's right to freedom of expression, thought and conscience

There has always been a focus on forming the “only correct opinion” in the Belarusian school system, however, after the events of 2020, the situation has significantly worsened: teachers, school administrations, as well as invited employees of state structures convince children that minors should not have their own opinion, especially about politics. For opinions about the president, the state and politics in general that contradict the state ideology, and for their public expression, children are insulted, threatened with criminal liability to children or their parents, sending to an orphanage, expulsion from school, dismissal of parents, teachers become biased in the educational process.

In addition to threats and insults, teachers manipulate values and, thus, the meanings and values they are supposed to teach are distorted and turned into tools for manipulation. There are cases when, at meetings with representatives of law enforcement agencies, children who disagreed and expressed their position were immediately taken out of the hall and then held a conversation with the participation of security forces.

It is known that in some schools, children's phones are viewed in order to control their positions and opinions. Some teachers

reported that they had (by the order of school administration) to monitor the social networks of children.

Violation of freedom of speech and freedom of belief and conscience is also expressed in the prohibition of using certain symbols (including national symbols) and excessive imposition of a positive attitude towards official state symbols.

One of the most perverse forms of suppression of freedom of speech and freedom of thought of a child is threats to parents because of the position of the child and/or threats to children because of the position of parents (if parents openly showed their civic position since the beginning of the protests 2020).

It is not uncommon for teachers and school administrators to understand the illegality of official ideological attitudes and try to “smooth them out”, asking children and their parents to refrain from publicly expressing other opinions, since this is controlled “from above”. Such a system forms a kind of “social schizophrenia” in a child - a habit of a “double world”, when in fact everyone knows and understands how to do it right, but they do it differently.

The behavior and competence of teachers as one of the indicators of (not) proper realization of the right to education

On the one hand, data analysis shows that, despite almost two years of harsh repression, there are still teachers in the system who are ready not to engage in unprofessional and illegal activities, connected with ideological component, imposed by the state. On the other hand, a fairly large number of teachers are absolute “servants” of the system, ready not only to follow instructions from above, but also to “creatively” approach the implementation of such instructions. The child, at the same time, becomes a hostage to the personality of the teacher, school director, etc. Such dependence on the subjective factor, of course, cannot meet the criterion of the adequacy and quality of the educational service provided and the standard of the right to education.

In Belarusian schools, teachers rarely turn to alternative sources of information and progressive teaching methods (aimed at developing critical thinking). Moreover, a big problem of the Belarusian school is the use of insults and psychological violence by teachers during the educational process. Teachers often use unacceptable, degrading methods of teaching and upbringing in

relation to a child: shouting, derogatory phrases such as “you are the worst class”, “you are inadequate”, “stupid”, “fool”, and “moron”. The child is not perceived as an equal, as a subject of rights, but as an object, “which must be taught and the elders know better how.”

At the same time, it is important to note that school administration and the educational authorities do not keep in the focus of their attention issues of the need for psychological assistance to the teacher, the search and application of adequate pedagogical and organizational measures to assist the teacher. The problem of helping a teacher to work with “difficult” classes is not articulated by the education system. At the same time, respondents-teachers note that many colleagues need the help of a psychologist and that they often face burnout and therefore break down.

Firstly, the practices described in the **Part I** primarily violate the child's **right to education** (article 28 of the Convention on the Rights of the Child, Article 13 of the International Covenant on Economic, Social and Cultural Rights) in terms of the inadequacy of forms and methods of education and their inconsistency with the purpose of education - the development of the human personality, the creation of its dignity, strengthening respect for human rights and fundamental freedoms, promoting mutual understanding, tolerance.

Secondly, the use of forms and methods of education, which are accompanied by distortion of information about events in the country and the world, convincing the child of the permissibility of exclusively state sources of information, the imposition of one point of view, pressure in connection with the child's statement of a different position is a violation of the child's **right to information** (article 17 of the Convention on the Rights of the Child), **freedom of expression** (Article 13), **freedom of thought and conscience** (article 14), **freedom from all forms of physical or psychological violence, insults or abuse** (article 19), **the right to privacy** (article 16), **freedom from discrimination** (article 2).

Thirdly, in addition to all of the above, with regard to “subbotnicks” in certain cases, we can also talk about a violation of the child's **right to protection from performing any work that may pose a danger to his health or serve as an obstacle to his education** (article 32)

II. VIOLATION OF THE RIGHTS OF THE CHILD OUTSIDE THE EDUCATIONAL PROCESS

At the same time, violation of the rights of the child occurs outside the educational process. We would like to report on the practices of recording “penitential” videos and demonstrative detentions carried out by law enforcement agencies and violating the child's right to freedom from degrading treatment and the right to privacy.

Participation of children in “penitential” videos

The practice of recording “penitent” videos with people opposing the government and their distribution through public pro-government telegram channels is a stable practice of Belarusian law enforcement agencies after August 2020. It also affected minors.²¹ Some teenagers, who demonstrated publicly their position and attitude to the political events in the country are forced to participate in the recording of videos in which they admit that they have committed certain actions and repent of their commission. These videos are published on official Telegram or YouTube channels of law enforcement agencies and distributed by state propaganda.

It can be seen from the video that the teenagers are clearly scared - most likely they were under psychological, and possibly physical pressure. Such a practice cannot but leave a deep mark on the psycho-emotional state of the child. Moreover, the state propaganda, publishing such videos, uses extremely offensive language, labeling the teenager as a criminal, which not only violates the presumption of innocence, but also casts doubt on the possibility of full-fledged development for him.

Demonstrative detentions of teenagers

The practice of public detention of teenagers suspected of criminal offenses has spread in the Gomel region of Belarus. Over the past 7 months (the first known case was recorded on 25.11.2021), the

²¹Telegram-channel “Zheltie SLIVy”: <https://t.me/zheltyeslivy/8482>; <https://t.me/zheltyeslivy/25122> <https://t.me/zheltyeslivy/38851> <https://t.me/zheltyeslivy/9734> (these links are currently unavailable, apparently due to removal at the request of the Telegram administration); Telegram-channel “MVD Belarusi”: <https://t.me/pressmvd/2055>; Telegram-channel “ONT NEWS”: <https://t.me/ontnews/19505>

police have arrested minor children at least three times in front of their peers. Children are gathered in the assembly hall, a teenager suspected of a crime is brought in, charges are read out, the teenager is handcuffed and taken out.²²

Law enforcement agencies position public detentions as measures to prevent child crime. At the same time, this practice is destructive, and does not take into account the peculiarities of the child's psyche, does not correspond to the goals of education laid down in the standards of the rights of the child (and, on the contrary, contradicts these goals), as it is built on intimidation.

Such videos and such “demonstrative” detentions in the case of adults are also degrading treatment and a violation of many other human rights. However, children are an extremely vulnerable group, which increases the negative effect of such public executions. Both detained teenagers and those who are forced to watch public detentions or “penitential” videos can experience severe psychological trauma, causing problems with social adaptation and full development, as well as with the formation of perception and awareness of personal dignity. Such an experience can become traumatic, give rise to a feeling of helplessness, powerlessness and fear and, obviously, does not contribute to the development of a normal and harmonious personality.

First of all, both practices constitute a violation of the **right to freedom from degrading treatment** (article 37 of the Convention on the Rights of the Child).

These practices can also be qualified as violation of the **right to privacy** (article 16) and the **right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society** (article 40).

Moreover, it should be noted that both the described forms of school education, as well as demonstrative arrests and penitential

²² “Loyevsky Krai” Newspaper: https://vk.com/club149477314?w=wall-149477314_10818; Zerkalo News, “A tradition of demonstrative arrests of minors has appeared in one of the districts of Gomel”: <https://news.zerkalo.io/life/7867.html?tg>; The Department of Internal Affairs of the Gomel Regional Executive Committee, “Pinsk Lyceum students arrested for selling drugs in full view of their peers”: <https://gomel.mvd.gov.by/ru/news/6918>

videos, violate the child's **right to health** (article 12 of the International Covenant of the Economic, Social and Cultural Rights). They damage the mental health of children, forming psychological traumas that affect their social well-being.