



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

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Consideration of reports of States parties

## Replies of Belarus to the list of issues in relation to its combined fifth and sixth periodic reports\*, \*\*

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

\*\* The annexes to the present report are on file with the secretariat and are available for consultation. They may also be accessed from the web page of the Committee on the Rights of the Child.



## Part I

### Replies to the issues raised in paragraph 1

1. The National Plan of Action to Improve the Situation of Children and Protect their Rights, which was approved by Government Decision No. 710 of 22 September 2017, is a programme document aimed at implementing the Convention on the Rights of the Child. The Committee's concluding observations are taken into account in the preparation of this and other relevant plans of action and in the process of improving national legislation.
2. The measures provided for in the Plan are implemented by government bodies and other organizations subordinate to the Government. The Plan includes specific activities and deadlines and identifies the bodies and organizations responsible for implementation with due regard to their established powers and functions.
3. At the beginning of each year, the bodies responsible for implementation, including local authorities, submit information on the implementation of the Plan over the previous year to the coordinating body (Ministry of Education), which compiles the information received and forwards it to the Government.
4. The bodies responsible for implementation finance the measures provided for in the Plan within the limits of the resources allocated from the national and local budgets and other sources not prohibited by law.

### Replies to the issues raised in paragraph 2

5. In 2018, social sector expenditure (social policy, education, health care, fitness and sports, culture and the media) amounted to 15.2 billion roubles, or 46.0 per cent of total expenditure in the consolidated budget. This level of expenditure ensures the implementation of State safeguards of the rights of citizens, including children.
6. The State benefits system includes 11 different benefits for families with children. More than 495,000 children, or 26.5 per cent of the total number of children, are covered by these payments; in other words, nearly one in three children in the country receives some form of benefit. In all, 92.9 per cent of children aged under 3 years (over 294,000 children) receive State benefits.
7. In the case of multiple births (two or more children), additional payments, averaging twice the per capita minimum subsistence budget per child born, are also made to cover basic childhood necessities.
8. In 2018, State benefits for families accounted for 2,180.91 million roubles, or 1.8 per cent of gross domestic product (GDP). This compares to 1,981.7 million roubles (1.9 per cent of GDP) in 2017 and 1,878.8 million roubles (2.0 per cent of GDP) in 2016.
9. The benefits system is constantly being improved. In 2017, the legislation governing social protection measures for the families of children with disabilities was strengthened. Parents of children with disabilities are able to work part-time while continuing to receive an allowance for caring for a child with a disability. The support provided to families raising children with the most severe disabilities (grades III and IV health impairment) has been increased from 100 to 120 per cent of the minimum subsistence budget.
10. Parents who have a child with a disability and who receive a pension have the right to receive an allowance for caring for a child with a disability, regardless of the type of pension that they receive (previously, this right was granted only to parents with disabilities).
11. The provision of social rehabilitation devices is an important component of the social rehabilitation of children with disabilities. The provision of these devices for children with disabilities is fully covered by national and local budgets. In 2016, more than 6,500 social rehabilitation devices were issued at a total cost of 2.3 million roubles; the figures for 2017 were more than 6,800 rehabilitation devices at a total cost of 2.5 million roubles; and for 2018, more than 7,800 rehabilitation devices at a total cost of 2.9 million roubles.

12. In 2018, a total of 77.5 million roubles was allocated in disability allowances to children with disabilities by the labour, employment and social protection agencies; that included 2.5 million roubles in survivor pensions and 74.9 million roubles in social pensions.

13. The equivalent figure for the period from January to November 2019 was 79.2 million roubles, including 2.7 million roubles in survivor pensions and 76.4 million roubles in social pensions.

14. A significant volume of investment is being channelled into the support system for families with many children. A family capital programme has been in operation since 2015. By 1 November 2019, 75,600 family capital deposit accounts worth US\$ 756.09 million had been opened. These include 12,740 deposit accounts worth US\$ 127.4 million opened in 2019, 15,500 deposit accounts worth US\$ 154.66 million opened in 2018 and 16,800 deposit accounts worth US\$ 168.4 million opened in 2017.

15. The system of targeted State social assistance serves to provide financial support to citizens living in poverty and other categories of citizens (see report, paras. 343 to 346).

16. In 2018, targeted State social assistance worth 24.1 million roubles was awarded to 27,600 families with minor children (106,000 persons, or 80.4 per cent of the total number of recipients) in the form of monthly and one-time social benefits. Food products worth 21.5 million roubles were provided free of charge to more than 24,000 children (10.1 per cent of the total number of children aged under 2 years). Social benefits amounting to 3.3 million roubles were provided to cover the cost of diapers for some 11,200 children with disabilities with grade IV health impairment.

17. In the first nine months of 2019, targeted State social assistance worth 16.8 million roubles was awarded to 18,500 families with minor children (72,200 persons, or 80.7 per cent of the total number of recipients) in the form of monthly and one-time social benefits. Food products worth 13.8 million roubles were provided free of charge to 17,200 children. A total of 8.4 per cent of children aged under 2 years received free food. Social benefits amounting to 2.8 million roubles were provided to cover the cost of diapers for some 8,700 children with disabilities with grade IV health impairment.

18. As a result of the measures taken, the poverty rate among households with children aged under 18 years stood at 8.1 per cent in 2018, a decrease of 0.6 per cent from 2017. In the third quarter of 2019, it fell to 7.1 per cent.

### **Replies to the issues raised in paragraph 3**

19. Between 2017 and the first half of 2019, no one in Belarus was convicted under article 1931 of the Criminal Code.

20. Pursuant to Act No. 171-Z of 9 January 2019 on amendments to certain codes of Belarus, article 1931 was deleted from the Criminal Code. A corresponding administrative offence (unlawful organization of or participation in the activities of a voluntary association, religious organization or foundation) was established in the Code of Administrative Offences.

21. The legislation governing voluntary associations is amended periodically, primarily to simplify the establishment and the activities of voluntary associations and political parties.

22. In 2019, Belarus finished preparing a bill amending the laws on the activities of political parties and other voluntary associations. The bill, which is intended to improve the relevant legislation, sets out several amendments to simplify the establishment and activities of voluntary associations and political parties (non-governmental organizations (NGOs)). They include a reduction in the number of persons required to establish an NGO, the option for NGOs to hold online meetings, the submission of their documents in an electronic format and the option of registering the legal address of an NGO at the place of work of its leaders.

23. As part of the preparation of the bill, its provisions were all discussed with representatives of voluntary associations and political parties in a specially established

working group. In addition, a public discussion of the bill was organized on the Legal Forum of Belarus: anyone could leave suggestions and comments on its content. A total of 30 suggestions and comments were made. The content of the bill and the fact that it was drawn up in close cooperation with representatives of voluntary associations and political parties were well received by civil society in Belarus.

24. As at 1 July 2019, 15 political parties, 25 trade unions and 2,955 voluntary associations had been registered. In addition, 39 federations of voluntary associations, 213 foundations and 7 national State-voluntary association partnerships have been registered.

25. The number of voluntary associations is constantly growing. The number of voluntary associations registered in Belarus stood at 2,856 as at 1 January 2018 and was 2,955 as at 1 July 2019. In 2018 alone, 92 new voluntary associations were registered: 5 international, 8 national and 79 local.

26. The registered voluntary associations that work for or with children include 40 children's organizations, 823 fitness or sports organizations, 394 charitable organizations, 254 educational, cultural or recreational organizations and 378 youth organizations.

#### **Replies to the issues raised in paragraph 4**

27. The principle of equality is set out explicitly in the Constitution of Belarus and in the overwhelming majority of laws. The relevant provisions are directly applicable.

28. There is no discrimination under Belarusian law, which does not establish the supremacy of any particular group, including children, on the basis of any characteristic, or absence thereof, that is not objectively justified.

29. The legal rules to protect against discrimination are set out mainly in laws. There are currently 380 laws in force, excluding those concerning the introduction of amendments, ratification of international agreements, accession to international agreements, succession or the repeal of other laws.

30. Of these laws:

- 12 expressly prohibit discrimination
- 52 provide for the equality of citizens irrespective of any distinguishing characteristic
- 91 establish rights for citizens in particular legal relations without any restrictions
- 195 laws do not provide for protection against discrimination owing to the nature of the legal relations that they regulate (budget laws, etc.)

31. Minors are fully covered by the procedural guarantees for the protection of the rights, freedoms and legitimate interests of parties to proceedings, as established under the Criminal Code and the codes of procedure. Moreover, the procedure by which the interests of minors are represented by their legal representatives has been brought under regulation. The codes of procedure contain a number of special provisions to provide further legal protection to minors.

32. In civil proceedings, minors aged 14 years and over have the right to file claims themselves for the protection of their rights and legally protected interests and to make use, at any time, of the assistance of lawyers and other representatives in court without the consent of their parents, adoptive parents or guardians. The Code of Civil Procedure also contains provisions on identifying and taking into consideration the interests of the child in adoption hearings.

33. Under existing legislation, the views of a child aged under 14 years may be ascertained and taken into consideration (directly by the court or with the assistance of experts) in judicial proceedings that affect his or her rights and legitimate interests (see report, paras. 132 to 138).

34. In its decision No. 7 of 26 September 2002 on judicial practice in cases of deprivation of parental rights, the plenum of the Supreme Court stated that, where it is not

in the interests of the child, the Court rejects applications by parents (or one parent) for the restoration of parental rights.

35. The wishes of a child aged 10 years or over should be taken into account in the consideration of such cases. However, the court may not question the child as a witness. A child's wishes may be ascertained by the court both while the case is being prepared for judicial proceedings and during the proceedings themselves by means of a conversation with him or her, which should be carried out with due regard to the child's age and maturity, in the presence of an education professional and in a setting that prevents the interested parties from exerting influence on the child.

36. In addition, the Marriage and Family Code specifies the cases in which the child's consent is necessary and those in which the courts take the child's views or wishes into consideration when adopting a decision.

37. The consent of a child aged 10 years or over is required in the following cases:

- When his or her surname is changed and he or she is adopted
- When an adopted child's surname, first name or patronymic is changed
- When the adoptive parents are recognized on the adopted child's birth certificate as his or her parents
- When the child's first name, patronymic, surname and date or place of birth are changed, if the adoption is cancelled
- When the child is placed in long-term foster care or a family-type children's home
- When the child is placed in short-term foster care
- The wishes of a child aged 10 years or over are taken into consideration
- When setting a schedule for contact with grandparents
- When considering demands by parents for the return of their children from a person keeping them without legal grounds
- When setting a schedule for contact with parents deprived of their parental rights
- When considering claims filed for the restoration of parental rights
- When deciding whether to return a child to parents from whom he or she was removed without deprivation of parental rights
- When cancelling an adoption
- When considering whether to change the child's surname, if one of the parents has changed his or her surname
- The court takes into account the views of children aged 10 years and over when determining their place of residence in the event that the parents live separately

38. Pursuant to article 130 of the Marriage and Family Code, a child aged 10 years or over may not be adopted without his or her consent, which is ascertained by an agency of tutorship or guardianship, a Belarusian consular office or a court by means of a court decision. If the child was living in the family of the person wishing to adopt him or her before the submission of the adoption application and regards that person as his or her parent, the adoption may, exceptionally, proceed without the child's consent.

39. An adoption case may be considered on the merits only if the agency of tutorship or guardianship at the place of residence or location of the adopted child has issued a report on whether the adoption is justified and is in the interests of the child. The report should include information on the personal contact between the child and the parent or parents wishing to adopt him or her and must be obtained during the preparation of the case for judicial proceedings.

40. When a case is being prepared for judicial proceedings, the judge should summon: the parents (or parent) of the child concerned, if their consent is required for the adoption;

representatives of the institution where the child without parental care is located; other interested parties; and the child him- or herself, if he or she is aged 10 years or over.

41. Pursuant to the Code of Administrative Offences, a deportation decision may be adopted in respect of a foreign national or stateless person who was aged 16 years or over at the time of the offence.

42. However, in Belarus, this type of administrative penalty is not applied to foreign nationals aged under 18 years.

#### **Replies to the issues raised in paragraph 5**

43. In 2018, an analysis of how the principle of acting in the best interests of the child is handled in international treaties was carried out with a view to studying whether it should be incorporated into legislative acts on forced migration.

44. The National Centre for Legislation and Legal Research recommended improvements that could be made to the Refugees Act in order to safeguard the principle of the best interests of the child, as set out in article 3 of the Convention. For example, it was recommended that a separate article on the protection of foreign minors should be added in order to establish: that the best interests of the child should be taken into account in all short- and long-term decisions concerning foreign minors, whether accompanied or unaccompanied; that, as a mandatory measure, applications for the protection of minor forced migrants should be considered under an accelerated procedure; and that a separate article should be added on the return of a child to his or her State of nationality or previous habitual residence, stipulating that the return should take place only if it is in the best interests of the child.

45. In accordance with the Act on the Granting of Refugee Status, Subsidiary Protection, Asylum and Temporary Protection to Foreign Nationals and Stateless Persons in Belarus, as amended by Act No. 414-Z of 20 July 2016, foreign nationals and stateless persons aged under 18 years who are applying for protection and have been granted refugee status, subsidiary protection or asylum currently enjoy access to medical care and education on an equal basis with minors who are citizens of Belarus. Relevant laws and regulations provide for other human rights activities and preventive measures for minors belonging to this category.

46. The current procedure for considering applications for protection submitted by foreign nationals who are members of the same family promotes respect for the principle of the best interests of the child. Under article 48 of the Refugees Act, applications for protection submitted by foreign nationals who are members of the same family are examined individually for each family member. In accordance with the principle of family unity, if a foreign national has been granted refugee status, subsidiary protection or asylum, family members who arrived with him or her and foreign nationals aged under 18 years for whom he or she is the legal representative are also granted refugee status, subsidiary protection or asylum.

47. In respect of unaccompanied foreign nationals who express the wish to apply for protection, the citizenship and migration section prepares an abandoned child discovery report and immediately refers the unaccompanied foreign national and the report to an agency of tutorship or guardianship. As soon as the abandoned child discovery report has been drawn up, the unaccompanied foreign national acquires the rights established in article 34 of the Refugee Act (the rights of a foreign national applying for protection). Within three working days of receipt of the report, the agency of tutorship or guardianship submits an application for protection to the citizenship and migration section on behalf of the unaccompanied foreign national and takes other measures to protect his or her rights and legitimate interests.

48. Under article 40 (2) of the Refugees Act, a representative of an agency of tutorship or guardianship must participate in establishing the identity of unaccompanied foreign nationals applying for protection. Where necessary, if the citizenship and migration section, the tutor or guardian of the unaccompanied minor applying for protection or an authorized representative of an agency of tutorship or guardianship so decides, the interview may be

attended by a psychologist, a representative of the Office of the United Nations High Commissioner for Refugees or other persons whose attendance is necessary to safeguard the best interests of the unaccompanied foreign minor.

49. Where a foreign national applying for protection has fears of being subjected to persecution that are associated with the threat or occurrence of rape, torture, with his or her gender or with other factors requiring the creation of an atmosphere of trust, or where he or she has been identified as a victim of trafficking in persons, the interview is conducted by a member of staff and an interpreter of the same sex as the applicant, whose views are taken into account.

50. If it comes to light during the consideration of an application for protection that persons have unlawfully organized, directed or assisted the illegal entry into, stay in or exit from Belarus of the foreign national applying for protection, the citizenship and migration section informs the internal affairs bodies in writing.

51. During the preliminary stage, all foreign nationals, including minors, have access to legal aid, which gives them an opportunity to report having been used in armed conflict and to receive psychological and medical support.

52. As at 2 September 2019, there have been no identified cases of foreign children applying for protection having been recruited for or used in armed conflict. Accordingly, no additional mechanisms have been established to identify and register such children.

53. The fundamental principle of nationality in international law, namely that statelessness is to be prevented, has been incorporated into article 3 (2) of the Citizenship Act, No. 136-Z of 1 August 2002.

54. This principle is reflected in article 13 of the Citizenship Act, which states that a child acquires Belarusian citizenship by birth if, on the day of his or her birth:

- At least one of the child's parents is a Belarusian citizen, regardless of where the child is born
- The child's parents (or sole parent) reside, temporarily or permanently, in Belarus and are stateless, provided that the child is born in Belarus
- The child's parents (or sole parent) reside permanently in Belarus and are foreign nationals, provided that the child is born in Belarus and that the States of which the parents are citizens (or nationals) will not grant the child citizenship
- A child in Belarus of unknown parentage becomes a citizen of Belarus

55. Minor children who live in Belarus may also acquire citizenship under the special registration procedure set out in article 15 of the Citizenship Act.

56. This route to citizenship is available to:

- Children who have one parent who is a Belarusian national and one foreign parent
- Children in Belarus whose parents have died, have been deprived of their parental rights, have refused to bring them up, have been declared to lack dispositive capacity or have been recognized as missing or dead
- Children placed under tutorship or guardianship

57. Under article 27 of the Citizenship Act, a minor child acquires Belarusian citizenship if a Belarusian citizen adopts him or her or is recognized as his or her mother or father.

#### **Replies to the issues raised in paragraph 6**

58. In accordance with article 65 of the Marriage and Family Code, the family has the primary right and duty to determine the forms, means and methods of raising children. The duties of the family towards children are dictated by the rights of the child as set out in the Marriage and Family Code and other legislative acts.

59. There is no concept of "punishment" in marriage and family law and education law.

60. In accordance with article 9 of the Rights of the Child Act, No. 2570-XII of 19 November 1993, the State guarantees the personal inviolability of the child and protects him or her from any type of exploitation, including sexual exploitation, from physical and psychological violence, from cruel or degrading treatment, from ill-treatment, from humiliation and from sexual abuse, including by the child's parents (or tutors or guardians) or relatives.

61. The definition of the term "domestic violence" set out in article 1 of the Principles of Action to Prevent Offences Act No. 122-Z of 4 January 2014 is taken to cover intentional acts of a physical, psychological or sexual nature that are committed by one family member against another in violation of the latter's rights, freedoms and legitimate interests and causing him or her physical or mental suffering or both.

62. The Criminal Code and the Code of Administrative Offences establish criminal and administrative liability for bodily harm. Liability is established irrespective of the age of the victim and of any familial relationship between the victim and the perpetrator.

63. In Belarus, specific action has been taken to combat all forms of violence and teach children how to behave safely and responsibly in social situations.

64. In the education sector, ongoing work is being carried out with students and their legal representatives to prevent violence against minors. An inter-agency approach has been actively incorporated into the preventive work carried out with students: experts from health and law enforcement bodies are invited to participate.

65. In the 2017/18 academic year, safe online behaviour, copyright ownership and crime prevention were covered as part of the subject of Everyday Safety Basics, taught in second, third, fifth and sixth grades at general secondary education institutions.

66. The following topics have been added to the Everyday Safety Basics curriculum: rules for protecting the home from strangers, liability for offences, liability for false requests for emergency assistance, the inadmissibility of falsely reporting situations of risk, rules for keeping personal belongings safe and conflict prevention.

67. In order to identify and eliminate the factors that cause abuse and other offences to be committed against children, to enhance monitoring of individuals prone to alcohol abuse who have dependent minor children and to protect children's rights, inter-agency prevention measures are being taken across the country as part of the Families without Violence initiative.

#### **Replies to the issues raised in paragraph 7**

68. In accordance with article 32 (4) of the Constitution, a child may be separated from his or her family against the wishes of his or her parents or other persons acting in loco parentis only on the basis of a court decision, in the event that the parents or other persons acting in loco parentis are not fulfilling their duties.

69. Article 85 of the Marriage and Family Code states that a court may decide to remove a child and place him or her in the care of an agency of tutorship or guardianship without depriving the parents of their parental rights if not doing so would expose the child to danger. Parents have the right to contact with their children in accordance with the procedure set out in article 83 of the Code.

70. In exceptional cases, where there is a direct threat to a child's life or health, the agency of tutorship or guardianship may immediately remove the child from the care of the parents or other persons effectively raising him or her. In such cases, the agency of tutorship or guardianship must notify the procurator without delay and, within seven days of such a decision, apply to the courts for the deprivation of the parental rights of one or both parents or the removal of the child.

71. The procedure for removing children from their parents is the same regardless of whether the parents are deprived of their parental rights.

72. The court may, following an application by the parents, and if it is in the child's interests, decide to return the child to the parents if, in the opinion of the agency of

tutorship or guardianship, the reasons that justified the child's removal no longer apply. The child's wishes must be taken into account if he or she is aged 10 years or over.

73. Deprivation of parental rights is an exceptional measure imposed to protect children's rights and interests. Parents may be deprived of their parental rights only on the grounds set out in article 80 of the Code of Administrative Offences, if their guilt has been established. The list of grounds is not exhaustive.

74. In accordance with article 67 of the Marriage and Family Code, a socially dangerous situation is taken to be an environment in which a child's basic vital needs (safety, supervision, care, food, shelter, clothing, essential medical care, a hygienic environment, etc.) are not met, one in which, owing to a lack of supervision of his or her behaviour or lifestyle, the child commits acts that constitute administrative offences or crimes, or one in which persons helping to raise or maintain the child lead an immoral lifestyle, which has a harmful effect on the child, abuse their rights, mistreat the child or otherwise improperly fulfil their duties to raise and maintain the child, as a result of which his or her life or health is placed at risk.

75. On this basis, categories and indicators of situations that are socially dangerous to children were developed and were approved pursuant to Council of Ministers Decision No. 22 of 15 January 2019 on the identification of children in socially dangerous situations.

76. Thus, children are removed from their parents if there is a threat to their life or health, not because of economic hardship or the political activities of their parents.

77. No information is available on cases of homicide or suicide resulting from family separation.

#### **Replies to the issues raised in paragraph 8**

78. Government bodies attach great importance to efforts to deinstitutionalize orphaned children, children without parental care and children with disabilities. The law states that the development of family-based forms of care and upbringing for orphaned children is a priority. Under article 177 (1) (8) of the Marriage and Family Code, orphaned children and children deprived of parental care have the right to contact with their parents and other relatives, unless such contact is not in their interests.

79. According to article 136 (5) of the Code, on reaching the age of majority or acquiring full dispositive capacity, an adopted child may obtain information about his or her adoption at the court that issued the adoption decision, the civil registry body at which the adoption was registered or the agency of tutorship or guardianship at the place of residence of the adoptive parents.

80. According to article 83 of the Marriage and Family Code, parents who have been deprived of their parental rights may request permission from the agency of tutorship or guardianship to see their children, which may be granted if such contact would not cause the children harm.

81. A parent who has been deprived of his or her parental rights may see his or her child with the permission of the agency of tutorship or guardianship. Permission may be granted in the child's interest if the agency of tutorship or guardianship considers that such meetings would be an additional incentive for the parent to improve his or her behaviour.

#### **Replies to the issues raised in paragraph 9**

82. In 2018, in order to implement the Convention on the Rights of Persons with Disabilities, which was ratified by Act No. 424-Z of 18 October 2016, a bill on the rights of persons with disabilities and their social inclusion was drawn up. The bill is currently under consideration in the House of Representatives of the National Assembly.

83. A bill on accession to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled is being prepared for submission to the House of Representatives of the National Assembly.

84. The draft of the new Education Code has been amended to gear State education policy towards the principle of inclusive education, which ensures equal access to education for all students with due regard to their individual educational needs and individual capacities (whether they are gifted, talented or have particular needs owing to their life situation, health or other circumstances).

85. A bill amending the Education Code is currently before the Council of Ministers and is expected to be submitted to the House of Representatives of the National Assembly by the end of 2019.

86. Children with physical or psychological developmental issues and their individual educational needs are identified through psychological, medical and pedagogical testing in remedial and developmental education and rehabilitation centres with the consent and in the presence of their legal representatives.

87. On the basis of the results of the psychological, medical and pedagogical tests, the remedial and developmental education and rehabilitation centre draws up a report describing the nature and severity of the physical or psychological issue in question. The report also sets out recommendations for the training and education of the person concerned through special educational programmes, with an indication of the type and kind of educational institution and the remedial educational support to be provided, and the special conditions required for the person to undergo vocational, specialized secondary, higher or further education.

88. Experimental work is being carried out to develop inclusive educational processes. From the State level down to the level of educational institutions, active efforts are being made to raise awareness of how to foster a culture of inclusivity and an attitude of tolerance towards disability. Specific efforts are being made to improve the skills of education professionals who work with children with physical and psychological developmental issues, including children with disabilities, by imparting specialized knowledge about the different categories of children with physical and psychological developmental issues and working methods and techniques.

89. The Maxim Tank Belarusian State Pedagogical University trains teaching staff to work with children with physical or psychological developmental issues, including those with disabilities. In 2016, the Faculty of Special Education became the Institute for Inclusive Education, which hosts the national inclusive education resource centre opened with the support of the United Nations Children's Fund. Efforts are under way to establish regional inclusive education resource centres.

90. The number of preschool, general secondary, special and vocational education institutions that provide an adaptive educational environment, including a barrier-free environment, is growing every year. In 2019, 59 per cent of educational institutions provided an accessible environment for persons with physical or psychological developmental issues, including persons with disabilities.

91. Students with autism or locomotor impairments and blind students receive individual educational support in general secondary and special education institutions.

#### **Replies to the issues raised in paragraph 10**

92. In accordance with article 2 (2) of the Education Code, State education policy is based on the following principles:

- The primacy of universal human values, human rights and the humanistic nature of education
- Equal access to education
- Compulsory general basic education

93. Every citizen of Belarus has the right to free preschool, general secondary and special education in State educational institutions.

94. The right of Belarusian citizens to education is ensured by a number of factors, including the creation of conditions in which students can be taught with due regard to national traditions and their individual needs and capacities.

95. Local authorities register children so that they can identify those who are not in education and take steps to return them to school. All children aged under 18 years, including foreign citizens and stateless persons legally resident in Belarus on a temporary or permanent basis, are subject to registration.

96. Roma children are taught in the same way as other children at Belarusian general secondary and vocational education institutions, which are bound by all the requirements of the laws and regulations on general secondary and vocational education.

97. If Roma children have not received either general primary or general secondary education at the appropriate time for specific reasons (not attending classes, not sitting exams at the end of ninth or eleventh grade, early marriage, etc.), they have the option of obtaining their education (general primary or general secondary) as external students.

98. Specialized secondary and higher education is available to everyone in accordance with his or her individual capacities and everyone may, on the basis of a competitive examination, receive an appropriate education free of charge in a State educational institution.

99. Belarus thus ensures equal access to education for all children, including Roma children.

100. General secondary and special education institutions have 9,106 students with disabilities who have physical or psychological developmental issues; they account for 16 per cent of the total number of children with physical or psychological developmental issues studying at the general secondary education level.

#### **Replies to the issues raised in paragraph 11**

101. The prevention of crisis situations among minors is the focus of special attention, involves multiple agencies and is an important component of efforts to lower child mortality from external causes.

102. There is a set of measures to prevent suicidal behaviour in Belarus over the period 2015–2019, which includes a separate raft of measures to prevent suicide among children and adolescents.

103. Guidelines on preventing suicidal behaviour among students and the involvement of children and adolescents in destructive group activities and games have been drawn up with a view to enhancing the professional skills of the teaching staff of educational institutions in preventing suicidal behaviour and promoting healthy lifestyles among students.

104. In order to ensure that the different agencies work together in a coordinated and targeted manner, a procedure has been developed and is now being implemented to help the staff of the education, health and internal affairs agencies identify minors at risk of suicide.

105. With the aim of predicting suicidal behaviour among students, experts from the social education and psychological services of educational institutions carry out an annual survey to identify students at increased risk of suicide.

106. Psychological support is provided to children identified as being at risk of suicidal behaviour. If necessary, an educational psychologist may refer a minor to a psychotherapist or psychiatrist. Individual sessions are arranged to provide social and educational support and psychological assistance.

107. The human immunodeficiency virus (HIV) is not included in the list of medical indications and contraindications for education, which was approved by Ministry of Health Order No. 128 of 22 December 2011. Consequently, HIV-positive children face no restrictions in accessing education.

108. The content of textbooks and the curricula for biology, pre-prescription and medical preparation, and labour training include information on such topics as the challenges of

cultivating family relationships and gender awareness, preparing students for family life and conscious parenting.

109. These issues are also studied in optional courses. In accordance with the wishes of the legal representatives of students at general secondary education institutions, optional courses are held on basic awareness of gender roles and preparing students for family life.

#### **Replies to the issues raised in paragraph 12**

110. The procedure and specific rules for the use of detention and preventive measures in respect of juveniles suspected or accused of a criminal offence are set out in article 432 of the Code of Criminal Procedure.

111. For example, it is stipulated that, in deciding whether to apply preventive measures against a juvenile suspected or accused of a criminal offence, the possibility of releasing the juvenile into the custody of his or her parents or persons in loco parentis must always be considered.

112. A juvenile may be arrested and detained in custody or under house arrest as a preventive measure in the circumstances set out in articles 108, 111, 112 and 117 of the Code of Criminal Procedure only if he or she has committed a less serious, serious or especially serious offence.

113. The juvenile's parents or other legal representatives are promptly informed of his or her arrest, detention or extension of custody.

114. Moreover, in accordance with article 8.4 (3) of the Code of Administrative Procedure and Enforcement, juveniles may not be held in administrative detention for more than three hours, except if they are detained for an administrative offence carrying a sentence of deportation.

115. It is mandatory to notify the parents or persons in loco parentis of the administrative detention of a juvenile, even in the absence of a request to do so.

116. From 2017 to mid-2019, the general courts of Belarus convicted 2,691 juveniles. Of these convictions, 1,198 took place in 2017, 993 in 2018 and 500 in the first half of 2019.

#### **Number of persons under the age of 18 serving sentences in correctional facilities**

	<i>Male</i>	<i>Female</i>
2016	109	4
2017	92	7
2018	58	5

117. In comparison to 2017, 2018 saw a decrease in the number of girls convicted, from 108 (9.0 per cent of the total number of juveniles convicted) to 78 (or 7.9 per cent). In the first half of 2019, 53 juvenile girls were convicted, which accounted for 10.6 per cent of the number of convicted juveniles.

118. The number of convicted juveniles who are repeat offenders is low. In 2017, it stood at 2.8 per cent of the total number of convicted juveniles (33 persons); in 2018, the proportion was 2.6 per cent (26 persons) and in the first half of 2019 it was 0.6 per cent (3 persons).

119. Conditions of detention are defined in Act No. 215-3 of 16 June 2003 on Detention Procedures and Conditions and Ministry of Internal Affairs Decision No. 13 of 13 January 2004 approving the internal regulations of remand centres in the penal correction system of the Ministry of Internal Affairs, which stipulate the specific rules for the detention of juveniles and apply to all juveniles without exception, irrespective of the offence committed.

120. Detained juveniles are provided with enhanced living conditions and food of a higher nutritional standard. They are allowed to spend at least three hours outdoors each

day. During that time, they are given the opportunity to participate in physical exercise and sports.

121. Juveniles held in detention may not be subjected to the disciplinary measure of confinement to a punishment cell.

122. Where conditions permit, detained juveniles are allowed to watch television and may use sports and other leisure facilities, as well as outdoor sports grounds.

123. Detained juveniles are given the opportunity to receive general primary and secondary education and take part in cultural educational activities.

124. Detained juveniles are permitted to buy and receive unlimited quantities of textbooks, study guides and stationery.

125. In Belarus, public oversight of the agencies and institutions that enforce prison sentences and other penalties is carried out on a continuous basis to identify any violations of the rights of convicted persons and issues related to the execution of their sentences.

126. For example, visits were conducted in June 2018 and October 2019 to young offenders' institution No. 2, in which convicted juveniles, including persons convicted under article 328 of the Criminal Code, serve their sentences. The visits focused on the living conditions of the prisoners, the organization of recreation and the provision of employment assistance and health care. A survey of inmates was conducted and individual interviews were carried out.

127. The public monitoring commission did not receive any information about discrimination against convicted juveniles.

128. Between 2012 and 2014, the number of criminal offences related to drug trafficking grew significantly. The number of drug users increased while their average age fell. At the same time, 2014 saw a surge in overdoses from psychoactive substances, including fatal overdoses.

129. Legislative changes, including the introduction of an age of criminal responsibility of 14 for trafficking in narcotic drugs, psychotropic substances and their precursors and analogues, in combination with practical measures, have enabled stabilization of the drug situation in the country, a significant reduction in the level of drug-related crime and protection of the health and lives of the public.

130. The number of recorded drug-related offences is now 1.5 times lower than in 2014 and almost 5 times lower for offences committed by or with the participation of juveniles.

131. The number of drug overdoses in the country in 2018 was 4.1 times lower than in 2014 and more than 20 times lower for juveniles. The number of lethal overdoses decreased by 43 per cent and none have been recorded among minors since 2015.

### **Replies to issues raised in paragraph 13**

132. The Committee's recommendations under the Optional Protocols are certainly taken into consideration for the improvement of national legislation; however, they must be evaluated from a standpoint of practical significance and compatibility with existing legislation.

133. There have been no cases of Belarusian children taking a direct part in hostilities, including on the territory of other States.

134. The Criminal Code allows for the prosecution of persons who involve children in hostilities, directly or indirectly.

135. The illicit movement of highly potent, poisonous and toxic substances, radioactive materials, firearms, ammunition, explosives and explosive devices, weapons of mass destruction and their means of delivery and other types of weapons and military equipment over the customs border of the Eurasian Economic Union or the State border of Belarus is a criminal offence.

136. The Criminal Code sets out the offences of the illicit manufacturing, acquisition, transfer, sale, storage, transportation, shipment or carrying of firearms (except smooth-bore hunting weapons), ammunition (except ammunition for smooth-bore hunting weapons), explosives and explosive devices; the illicit manufacturing, acquisition, transfer, sale, storage, transportation, shipment or carrying of the parts or components of firearms (except parts or components of smooth-bore hunting weapons); and the illicit manufacturing or sale of the main components of explosive devices.

137. The Minsk Suvorov Military School is a general secondary educational establishment and therefore does not offer military instruction.

138. Work is in progress to raise the age at which minors can enter the School. It is planned to formalize these changes through amendments to the relevant laws and regulations.

139. In exercise of their constitutional rights, citizens aged 17 years or older who have completed their general secondary education may, with the written consent of their parents or other legal representatives, choose to participate in the competitive admission process to enter the military educational establishments of Belarus (Act No. 1914-XII of 5 November 1992 on Military Duty and Military Service, art. 43).

140. Voluntary centres for the patriotic education of young persons are organized on the premises of military units in order to foster civic and patriotic feeling among young persons and to work towards that goal with troubled adolescents within the legislative framework. The school students attending these centres do not carry out firing exercises. They are simply introduced to weapons and other specialized and military equipment (a common practice internationally).

#### **Replies to the issues raised in paragraph 14**

141. The Committee's recommendations under the Optional Protocol on the sale of children, child prostitution and child pornography have mostly been implemented.

142. A comprehensive and systematic mechanism is in place for the collection, analysis and monitoring of data on victims of the sale of children, child prostitution or child pornography, disaggregated by sex, age, national origin and geographical location. Data are also collected on the number of prosecutions and convictions, disaggregated by type of offence.

143. The sale of children is prohibited in Belarus and the competent authorities understand that the sale of children is similar but not identical to trafficking in persons.

144. The State authority in charge of efforts to prevent the sale of children, child prostitution and child pornography, and thus with responsibility for implementation of the Optional Protocol, is the Ministry of Internal Affairs (within which a special operations unit has been established: the central department for drug control and the prevention of trafficking in persons of the criminal police).

145. The work of all the public authorities engaged in combating crime (including through the prevention of the sale of children, child prostitution and child pornography) is coordinated through meetings on combating crime and corruption held at national level by the Office of the Procurator General and at local level by the local procuratorial agencies.

146. The Ministry of Internal Affairs coordinates the work of all public authorities engaged in identifying victims of the sale of children, child prostitution and child pornography and in referring them for rehabilitation.

147. Information about the Optional Protocol and about the measures taken in Belarus to combat the sale of children, child prostitution and child pornography is available on the official website of the Ministry of Internal Affairs (mvd.gov.by).

148. Research on the nature and extent of the sale of children, child prostitution and child pornography is carried out regularly in Belarus, including by the Ministry of Internal Affairs.

149. The Criminal Code includes all the offences covered by the Optional Protocol:

- The sale of children is a criminal offence under article 181 (2) and (3) of the Criminal Code.
- Child prostitution is a criminal offence under article 171 (2) of the Criminal Code (in some cases article 181 (2) and (3) applies).
- Child pornography is a criminal offence under article 343-1 of the Criminal Code.

150. In Belarus, legal persons have administrative rather than criminal liability. This is compatible with article 3 (4) of the Optional Protocol (which allows a choice of criminal, civil or administrative liability for legal persons).

151. Extraterritorial jurisdiction applies in Belarus to the sale of children, which is a criminal offence under article 181 (2) and (3) of the Criminal Code (this is set out in article 6 (3) (8-1)), but not to child prostitution or child pornography.

152. When there is no bilateral agreement with foreign States, the law enforcement authorities of Belarus use the Optional Protocol (and also other international agreements on the prevention of various crimes) as a legal basis for extradition.

153. Chapter 4 of Act No. 350-3 of 7 January 2012 on the Prevention of Trafficking in Persons governs matters related to the protection and assistance of victims of the sale of children, child prostitution and child pornography.

154. If victims of the sale of children, child prostitution and child pornography have reached the age of criminal responsibility (16 years), their exemption from criminal or administrative liability for involvement in unlawful acts prohibited under the Optional Protocol is regulated by article 8.7 of the Code of Administrative Offences and article 34 (justifiable defence) and article 36 (necessity) of the Criminal Code.

155. In Belarus, effective prosecution is ensured for acts of sexual exploitation of children; child victims are not subjected to discrimination.

156. From 2016 to 2019, the numbers of children involved in sexual exploitation were:

- In 2016, 71 children, of whom 64 were girls and 7 were boys
- In 2017, 33 children, of whom 26 were girls and 7 were boys
- In 2018, 30 children, of whom 13 were girls and 17 were boys
- In the first six months of 2019, 10 children, of whom 4 were girls and 6 were boys

157. All these children were identified as victims and received rehabilitation assistance.

158. In accordance with the requirements of article 20 of the Prevention of Trafficking in Persons Act, social protection and rehabilitation are provided to victims of trafficking in persons free of charge and include:

- For victims under the age of 3 years: temporary accommodation, including beds and meals, in public health-care facilities
- For victims aged between 3 and 18 years: accommodation in social service educational centres for stays of up to six months or in centres for the protection and assistance of victims of trafficking in persons
- For victims over the age of 18 years: accommodation in centres for the protection and assistance of victims of trafficking in persons, crisis rooms run by local social services centres or local executive and administrative bodies, or the facilities of other organizations

159. To minimize the negative social consequences of trafficking in persons and support its victims, rehabilitation is currently provided for children under the age of 3 in Ministry of Health infant homes.

160. Comprehensive social, psychological and educational support is provided to families with minor children by social service educational establishments, which work to rebuild parent-child relationships and actively assist families. The work of such establishments is governed by Ministry of Education Order No. 145 of 27 November 2017, approving the

regulations on social service educational centres and repealing certain Ministry of Education Orders.

161. A social service educational centre is a socio-educational institution which delivers a programme for the care of children at social risk and the protection of their rights and legitimate interests, a preschool education programme and an extracurricular education programme for children and young persons; coordinates the work of other educational establishments within the same local administrative division in identifying and registering children at social risk and providing them with social and educational rehabilitation and psychological assistance; produces and coordinates the implementation of individual plans for the protection of the rights and legitimate interests of children at social risk; and offers psychological, social and educational support to the legal representatives of students. They are intended for the temporary accommodation and social rehabilitation of children aged between 3 and 18 years who are at social risk, are orphans or are deprived of parental care, for a period of up to six months, after which time the children either return to their families or are provided with other living arrangements.

## Part II

### Reply to issues raised in paragraph 15

162. A bill on amendments to laws is currently being prepared for its second reading in the House of Representatives. One of the planned amendments is to the Marriage and Family Code. To ensure that the requirements of the Convention are met, a new rule will be added to article 1 of the Code to stipulate that one of the aims of legislation on marriage and the family is to ensure that the best interests of the child are considered when decisions concerning children are taken by public authorities or other organizations. Furthermore, to ensure the strict implementation in practice of the Hague Convention on the Civil Aspects of International Child Abduction, an article is being added to the Code to provide for the right of a parent or other person with rights of custody or rights of access in respect of a child to request the return of a wrongfully removed or retained child or the exercise of access rights in respect of such a child in accordance with the Hague Convention and to establish a procedure to secure this right.

163. The bill provides for amendments to the Code of Civil Procedure and a number of other laws in order to meet the country's commitments under the Hague Convention.

164. A bill is currently being drafted on amendments to the Education Code. Article 2 of the draft Code provides that inclusion in education is one of the core principles of public policy on education. It is also stipulated that inclusion in education ensures equal access to education for all students, with due regard to their individual educational needs and individual capabilities (whether they are gifted, talented or have particular needs owing to their life situation, health or other circumstances).

165. Article 15 of the draft Code provides for inclusive basic and extracurricular education for persons with special physical or psychological needs in the same education system as other students through the creation of special conditions that take account of their special physical or psychological needs, health and cognitive abilities, with remedial educational support provided if necessary.

166. In 2017, Act No. 18-3 of 9 January 2017 amending the Act on the Fundamentals of the System for Preventing Child Neglect and Juvenile Delinquency, which had been proposed by the Ministry of Internal Affairs, was adopted. The Act set out the approaches adopted for the prevention of juvenile offending and provided for an increased coordination role for the commissions on minors' affairs.

167. Pursuant to the Act, the commissions are required to organize assistance with training, employment and living arrangements for minors who leave education early.

168. To improve the quality control and timeliness of individual preventive work with minors, specific grounds are set out in the Act for initiating or ending individual preventive work. In addition, to minimize the psychological injury experienced by minors during

preventive work, the categories of minors with whom the internal affairs agencies conduct preventive work have been specified. Travelling without a ticket, crossing the road in a prohibited location and failure to wear a safety reflector during hours of darkness are among the offences which are not considered to be grounds for preventive work.

169. A completely new rule has been introduced, namely a minimum age of 10 years from which the internal affairs agencies can carry out preventive work.

170. To ensure adequate monitoring by the commissions on minors' affairs and to enhance their coordinating functions, the amended Act places an obligation on government entities, organizations and members of the public to inform the commissions immediately of any young persons identified as requiring individual preventive work under the Act. This measure allows the commissions to provide the necessary assistance to the young person in conflict with the law in a timely manner and to organize the associated work of the relevant agencies, institutions and other organizations.

### **Part III**

#### **Question 16**

171. Information provided in the annex.

#### **Reply to the issues raised in paragraph 17**

172. The statistics on criminal cases involving juveniles in the general courts of Belarus are drawn up on the basis of the six-monthly and annual figures for prosecutions and sentences, disaggregated by sex, age and occupation of the convicted person.

173. The number of children with mental disorders recorded by public health-care organizations in Belarus is declining. Statistics are provided in the annex.

174. In recent years, a decrease has been observed in the incidence of mental disorders among the child population (923.8 per 100,000 in 2016, 858.6 per 100,000 in 2017 and 822.0 per 100,000 in 2018). In 2018, the number of child patients seeking psychiatric help for the first time decreased by 5.0 per cent, from 15,904 to 15,327.

175. The prevalence of mental disorders among the child population also shows a downward trend (4,240.6 per 100,000 in 2016, 3,934.7 per 100,000 in 2017 and 3,632.5 per 100,000 in 2018). In 2018, a total of 67,728 children sought psychiatric help, which was 7.0 per cent fewer than in 2017 (72,877).

176. The breakdown of mental disorders among the child population has not changed significantly. In first place are child behavioural and emotional disorders (in 2018, 45,170 or 66.5 per cent of the total number of children examined by service specialists; in 2017, 50,515 children or 70 per cent). In second place is mental retardation (in 2018, 12,057 children or 17.8 per cent; in 2017, 12,902 children or 17.7 per cent). The third most prevalent category is neurotic and stress-related disorders (in 2018, 4,380 children or 6.5 per cent; in 2017, 4,596 children or 6.3 per cent). All psychotic disorders (schizophrenia, schizotypal and schizoaffective disorders, acute psychosis, organic and unspecified psychosis), including autistic spectrum disorder, account for approximately 5 per cent of the total number of children examined by specialist doctors. Owing to better diagnosis, autistic spectrum disorders have somewhat increased as a proportion of all mental disorders in recent years.

177. Among the child population with mental disorders, 78 per cent have non-psychotic disorders, 17 per cent have mental retardation and 5 per cent have psychotic disorders, including autistic spectrum disorder.

178. In 2018, 28 children under the age of 18 died by suicide across the country (29 children in 2016). The death rate due to intentional self-harm among children in 2018 was 1.5 per 100,000 population in the 0–17 age group (1.6 per cent in 2016).

179. A majority of the children who died by suicide were boys: 18 boys (64 per cent) compared to 10 girls (36 per cent). The same gender pattern was observed in previous years:

in 2017, 10 boys (56 per cent) and 8 girls (44 per cent) and, in 2016, 19 boys (66 per cent) and 10 girls (34 per cent) died by suicide.

180. Up to 80 per cent of the children under the age of 18 years who died by suicide were aged between 15 and 17 years.

181. Prevention campaigns and active awareness-raising led to a significant decrease in the number of adolescent pregnancies: in 2018, there were 612 (1.7 per 1,000 adolescent girls between the ages of 14 and 17 years), compared to 922 (2.6 per cent) in 2016.

182. In 2018, 172 adolescent pregnancies were terminated before 22 weeks' gestation (223 in 2016). The number of abortions performed on girls between the ages of 14 and 17 years has decreased to 0.5 per 1,000 among the female population in the relevant age group (0.5 per cent in 2017 and 0.6 per cent in 2016).

183. At health-care facilities, pre-abortion psychological counselling is made available and provided to women who seek termination of a pregnancy. In 2017 and 2018, 100 per cent of adolescent girls received pre-abortion psychological counselling, which enabled 26.6 per cent (41) of the pregnancies to be continued in 2018 and 11.9 per cent (19) of the pregnancies to be continued in 2017, thus avoiding recourse to abortion.

184. From 2009 to 2018, no one in Belarus was living under the international poverty line.

#### Reply to issues raised in paragraph 18

185. Children registered as requiring State protection:

<i>Registered as requiring State protection in 2018</i>	
Brest	431
Viciebsk	438
Homiel	402
Hrodna	444
Minsk (city)	309
Minsk (province)	486
Mahilioŭ	394
<b>Total</b>	<b>2 904</b>

186. As at the end of 2018, there were eight infant homes (715 beds) in the health-care system. The number of children in them is decreasing each year.

187. In 2018, 574 children entered infant homes; 284 were girls (49.5 per cent) and 290 were boys (50.5 per cent). The figures for 2017 were 582 children, of whom 268 were girls (46 per cent) and 314 were boys (54 per cent); and for 2016, 644 children, of whom 301 were girls (46.7 per cent) and 343 were boys (53.3 per cent).

188. Among the children who were placed in an infant home in 2018, one was an orphan (0.17 per cent), 160 were deprived of parental care (28 per cent), 28 were given up by their parents (5 per cent), 40 were placed temporarily in the infant home (7 per cent) and 345 were removed from their families for social welfare reasons (60 per cent).

189. The figures for 2017 were: 2 orphans (0.3 per cent), 127 children deprived of parental care (22 per cent), 33 children given up by their parents (6 per cent), 47 children placed temporarily in an infant home (8 per cent) and 373 children removed for social welfare reasons (64 per cent).

190. Of the children placed in an infant home in 2016, 3 were orphans (0.5 per cent), 193 were deprived of parental care (30 per cent), 32 were given up by their parents (5 per cent), 64 were placed temporarily in an infant home (10 per cent) and 352 were removed for social welfare reasons (55 per cent).

191. Of the total number of children cared for in infant homes:

- In 2018, 29 per cent (161 children) were under the age of 1 year, 54 per cent (302 children) were between the ages of 1 and 3 years and 17 per cent (96 children) were over the age of 3 years.
- In 2017, 28 per cent (159 children) were under the age of 1 year, 56 per cent (313 children) were between the ages of 1 and 3 years and 15 per cent (86 children) were over the age of 3 years.
- In 2016, 33 per cent (188 children) were under the age of 1 year, 52 per cent (301 children) were between the ages of 1 and 3 years and 15 per cent (89 children) were over the age of 3 years.

192. In 2018, 560 children left infant homes: 273 girls (49 per cent) and 287 boys (51 per cent); in 2017, 592 children – 268 girls (45 per cent) and 324 boys (55 per cent) – left the homes; and in 2016, 713 children – 337 girls (47 per cent) and 376 boys (53 per cent) – left the homes.

193. Among the children who left an infant home in 2018, 208 (37 per cent) were returned to their parents; 160 (29 per cent) were adopted; 33 (6 per cent) were fostered; 80 (14 per cent) were placed under tutorship or guardianship; and 76 (14 per cent) were transferred to residential children's homes run by the Ministry of Education and the Ministry of Labour and Social Protection.

194. The breakdown of children leaving infant homes in 2017 was as follows: 228 (38 per cent) were returned to their parents; 155 (26 per cent) were adopted; 32 (5 per cent) were fostered; 103 (17 per cent) were placed under tutorship or guardianship; and 65 (11 per cent) were transferred to residential children's homes run by the Ministry of Education and the Ministry of Labour and Social Protection.

195. Among the children who left an infant home in 2016, 265 (37 per cent) were returned to their parents; 196 (27 per cent) were adopted; 42 (6 per cent) were fostered; 111 (16 per cent) were placed under tutorship or guardianship; and 84 (12 per cent) were transferred to residential children's homes run by the Ministry of Education and the Ministry of Labour and Social Protection.

196. Children cared for in family settings:

No.	Type of family	<i>Includes orphans and children deprived of parental care</i>	
		2018	2019
1	Guardianship family	9 182	8 856
2	Foster family	4 616	4 175
3	Family-type children's home	1 916	1 865
<b>Total</b>		<b>15 714</b>	<b>14 896</b>

197. Children adopted domestically or through intercountry adoptions:

	2016		2017		2018	
	Total	Intercountry	Total	Intercountry	Total	Intercountry
Brest	101	10	76	1	74	7
Viciebsk	71	19	64	6	55	12
Homiel	97	3	88	1	86	8
Hrodna	106	5	89	3	66	8
Minsk (city)	113	29	78	7	102	34
Minsk (province)	100	20	78	3	114	31
Mahilioŭ	67	10	75	3	60	18
<b>Total</b>	<b>655</b>	<b>96</b>	<b>548</b>	<b>24</b>	<b>557</b>	<b>118</b>

198. Children who became deprived of parental care following a termination of parental rights:

<i>Year</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
Brest	197	212	214
Viciebsk	205	222	265
Homiel	193	144	187
Hrodna	267	275	185
Minsk (city)	219	210	180
Minsk (province)	201	238	196
Mahilioŭ	84	168	150
<b>Total</b>	<b>1 366</b>	<b>1 469</b>	<b>1 377</b>

### Reply to the issues raised in paragraph 19

199. As at 1 January 2019, 33,100 children with disabilities were living in Belarus. Statistical information is provided in the annex.

200. As at 25 September 2018, the total number of children with special physical or psychological developmental needs who had a disability was 12,645, of whom 7,809 were boys and 4,387 were girls (in the 2017/18 academic year, there were 12,065, of whom 7,434 were boys and 4,631 were girls; in the 2016/17 academic year, there were 11,288, of whom 6,859 were boys and 4,429 were girls).

201. The number of children with disabilities who attended special (residential) schools was:

- In the 2016/17 academic year: 2,648
- In the 2017/18 academic year: 2,710
- In the 2018/19 academic year: 2,601

202. The number of children with disabilities with special physical or psychological developmental needs, by age group, was:

- Under the age of 2 years: 490 (452 in the 2017/18 academic year; 394 in the 2016/17 academic year)
- Of 3 years of age: 428 (453 in the 2017/18 academic year; 473 in the 2016/17 academic year)
- Between the ages of 4 and 5 years: 1,688 (1,531 in the 2017/18 academic year; 1,393 in the 2016/17 academic year)
- Of 6 years of age: 934 (929 in the 2017/18 academic year; 821 in the 2016/17 academic year)
- Between the ages of 7 and 8 years: 1,980 (1,826 in the 2017/18 academic year; 1,697 in the 2016/17 academic year)
- Between the ages of 9 and 17 years: 6,933 (6,728 in the 2017/18 academic year; 6,335 in the 2016/17 academic year)
- Over 18 years of age: 193 (146 in the 2017/18 academic year; 175 in the 2016/17 academic year)

203. The system of labour, employment and social protection committees of the provincial executive committees and the Minsk municipal executive committee included 9 residential homes for children with special physical or psychological developmental needs between the ages of 4 and 17 years in 2019 (10 homes in 2018). The number of children with disabilities living in such homes was 712 in 2016, 685 in 2017, 593 in 2018 and 556 as at 1 July 2019.

204. Information about children with disabilities living in residential homes disaggregated by age, gender and degree of impairment will be available from 1 February 2020 based on 2019 data (changes have been made to electronic reporting on information about residential homes (units) for older persons and persons with disabilities, luxury residential homes (units) for older persons and persons with disabilities, neuropsychiatric homes (units) for older persons and persons with disabilities, residential homes (units) for children with disabilities with special physical or psychological needs and special homes for military veterans, older persons and persons with disabilities).

205. The data from a one-off sample survey of households conducted by the National Statistical Committee to enable a comprehensive assessment of the situation of persons with disabilities shows that 96.9 per cent of parents of children with disabilities think that public health-care services are generally accessible for their children.

### **Reply to the issues raised in paragraph 20**

206. The legislation setting out the foundations of the system for the prevention of child neglect and juvenile delinquency provides for a mechanism to implement various rehabilitation measures for children and adolescents in conflict with the law: from individual preventive work with the minors concerned to court decisions on the application of compulsory educational measures in respect of them. The most severe measure is referral to a special correctional educational or treatment institution where, in a closed educational environment, minors undergo a programme for children requiring special educational conditions and receive lower or upper secondary education, learn basic professional skills and have access to specialist social, educational and psychological assistance. Statistical information is provided in the annex.

207. In 2017, 929 convicted minors (77.5 per cent of the total) were aged between 16 and 17 years and 269 (22.5 per cent) were between the ages of 14 and 15 years; 108 were girls and 1,090 were boys.

208. In 2018, 713 convicted minors (71.8 per cent) were aged between 16 and 17 years and 280 (28.2 per cent) were between the ages of 14 and 15 years; 78 were girls and 915 were boys.

209. In the first half of 2019, 365 convicted minors (73 per cent) were aged between 16 and 17 years and 135 (27 per cent) were between the ages of 14 and 15 years; 53 were girls and 447 were boys.

210. The overwhelming majority of minors are convicted of committing less serious crimes: 1,060 persons or 88.5 per cent of all convicted minors in 2017, 889 persons or 89.5 per cent in 2018 and 439 persons or 87.8 per cent in the first half of 2019.

211. In 2017, 58.0 per cent of convicted minors (695 persons) had committed property-related and economic offences (59.9 per cent (595) in 2018 and 55.0 per cent (275) in the first half of 2019); 60 of them received a custodial sentence (38 in 2018 and 12 in the first half of 2019).

212. The same year, 24.3 per cent of convicted minors (291 persons) had committed offences against public order and morals (26.3 per cent (261) in 2018 and 28.4 per cent (142) in the first half of 2019); 21 of them received a custodial sentence (12 in 2018 and 7 in the first half of 2019).

213. Offences against public safety and health accounted for 9.7 per cent of convictions of minors (116 persons) (6.6 per cent (66) in 2018 and 5.2 per cent (26) in the first half of 2019); of whom 56 received a custodial sentence (27 in 2018 and 13 in the first half of 2019).

214. A further 4.3 per cent of convicted minors (51 persons) had committed offences against the State, government and administration (3.6 per cent (36) in 2018 and 3.8 per cent (19) in the first half of 2019); 32 of them received a custodial sentence (22 in 2018 and 8 in the first half of 2019).

215. Crimes against humanity had been committed by 3.3 per cent of convicted minors (34 persons) (3.4 per cent (34) in 2018 and 7.4 per cent (37) in the first half of 2019), of whom 9 received a custodial sentence (13 in 2018 and 11 in the first half of 2019).

216. Four minors (0.3 per cent of convicted minors) had committed offences against ecological security and the environment (no minors were convicted of this type of offence in either 2018 or the first half of 2019).

217. One person, or 0.1 per cent of convicted minors, had committed crimes against the peace and security of humanity and war crimes (one person, or 0.1 per cent – who received a custodial sentence – in 2018 and none in the first half of 2019).

218. Moreover, in the first half of 2019, one minor (0.2 per cent) was convicted of an offence against information security (no minors were convicted for this type of offence in 2017 and 2018).

219. Please note the following for the number of minors sentenced to deprivation of liberty: 178 persons, or 14.9 per cent of the total number of convicted minors, in 2017; 113 minors, or 11.4 per cent, in 2018 and 51 persons, or 10.2 per cent, in the first half of 2019.

220. The largest group of the minors sentenced to deprivation of liberty – 27.5 per cent, or 94 persons (44 in 2017, 34 in 2018 and 16 in the first half of 2019) – received sentences of up to 1 year. Of the rest, 81 (23.7 per cent) received custodial sentences of between 1 and 2 years (48 in 2017, 24 in 2018 and 9 in the first half of 2019), 33 (9.6 per cent) received custodial sentences of between 2 and 3 years (21 in 2017, 11 in 2018 and 1 in the first half of 2019), 27 (7.9 per cent) received custodial sentences of between 3 and 5 years (13 in 2017, 8 in 2018 and 6 in the first half of 2019), 54 (15.8 per cent) received custodial sentences of between 5 and 8 years (28 in 2017, 15 in 2018 and 11 in the first half of 2019), 44 (12.9 per cent) received custodial sentences of between 8 and 10 years (20 in 2017, 16 in 2018 and 8 in the first half of 2019) and 9 (2.6 per cent) received custodial sentences of between 10 and 15 years (4 in 2017, 5 in 2018 and none in the first half of 2019).

#### **Reply to the issues raised in paragraph 21**

221. Based on the content of the targets under Sustainable Development Goal 4, it can be confidently stated that Belarus has almost fully implemented them at the present time.

222. The key themes of sustainable development (including poverty alleviation, citizenship, peace, ethics, responsibility in local and global contexts, democracy and governance, justice, security, human rights, health, gender equity, cultural diversity, rural and urban development, environmental protection, natural resource management and biological diversity) are incorporated in teaching programmes at all levels of basic, extracurricular and special education.

223. The main topics of sustainable development are included in the preschool curriculum approved by Ministry of Education Order No. 133 of 27 December 2012.

224. The need to reflect the goals and principles of sustainable development is taken into account in the design and adjustment of curricula and optional courses intended for use in general primary and secondary educational establishments.

225. One of the professional knowledge and skill requirements listed in the standards for vocational and technical education is knowledge of basic ecology and environmental protection.

226. In accordance with the standard for special secondary education, one of the mandatory subjects for all students is the foundations of social science and the humanities. On completion of the course, the student must have acquired the following social and personal competences: citizenship and patriotism, communication skills, interpersonal interaction based on the principle of humanity, personal development and health protection.

227. Given the development trends in the global educational environment and the current state of the national education system, the Ministry of Education has produced a document on conceptual approaches to development of the education system until 2020 and looking

ahead to 2030, which sets out current thinking on promising development trajectories for the sector.

228. In accordance with measure No. 4 of the National Plan of Action to Improve the Situation of Children and Safeguard Their Rights for 2017–2021, the National Statistical Committee, with financial support from the United Nations Children’s Fund (UNICEF) and in cooperation with national government agencies (Ministry of Education, Ministry of Health, Ministry of Labour and Social Protection, Ministry of Culture and Ministry of Internal Affairs), has set up an information portal referred to as the universal web portal for statistical data on children.

229. The portal provides broad access to up-to-date official statistical information on children in terms of the main areas of public life: demographics, health, education, justice and social welfare.

230. The portal is an electronic database containing more than 200 statistical indicators about children, disaggregated by sex, age, location and other characteristics.

231. The portal makes it possible to monitor data on the progress made in Belarus towards achievement of the Sustainable Development Goals, based on the national list of child-related indicators.

#### **Question 22**

232. Information provided in the annex.

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