



Convention on the Rights of Persons with Disabilities

Distr.: General
27 November 2024
English
Original: Russian
Arabic, English, French, Russian
and Spanish only

Committee on the Rights of Persons with Disabilities

Information received from Belarus on follow-up to the concluding observations on its initial report*

[Date received: 15 November 2024]

* The present document is being issued without formal editing.



1. The Belarusian delegation has studied the concluding observations adopted by the Committee following its consideration of the initial report of the Republic of Belarus on its implementation of the Convention on the Rights of Persons with Disabilities.
2. First of all, we believe that it is important to draw Committee members' attention to the biased assessment made of the situation in Belarus and the scant interest shown in probing the information provided by the State party. We note that a dialogue with the Committee cannot be regarded as constructive if alternative reports and consultations with activists having a clear anti-government political stance are considered by Committee members to be the only reliable sources of information.
3. The Committee, in its concluding observations, effectively ignores the concrete efforts made and tangible outcomes achieved through the work carried out in Belarus to implement the Convention. Based on the results of the dialogue and the content of the concluding observations, it can be stated that the Committee assessed the political context in the country rather than the extent to which specific provisions of the international instrument have been implemented for the whole population of Belarus.
4. Regrettably, the information provided by the delegation, on the following articles of the Convention for example, was not taken into account.

Article 9

Accessibility

5. Chapter 6 of the Act on the Rights of Persons with Disabilities and Their Social Integration, which includes five articles (arts. 35–38), is devoted to accessibility issues.
6. With the adoption of this Act, a system for ensuring the accessibility to persons with disabilities of social and transport infrastructure and housing was established and the necessary government decisions, technical regulations and standards were adopted.
7. Developments with respect to the principle of accessibility and oversight of its application are assessed as part of quarterly monitoring of the Accessible Environment for Persons with Disabilities and Physical Impairments subprogramme of the State Social Protection Programme for 2021–2025, as well as the activities of interdepartmental councils on the rights of persons with disabilities established at the local level.
8. Adoption of a separate law in this area is not appropriate, as has been confirmed by voluntary associations of persons with disabilities.

Article 10

Right to life

9. We wish to underscore that the death penalty has not been applied to persons with disabilities.
10. In Belarus, the death penalty may not be imposed on persons who commit crimes when they are under 18 years of age, on women or on men who have reached the age of 65 years by the day of sentencing (Criminal Code, art. 59 (2)).
11. The death penalty, and other punishments provided for in article 28 of the Criminal Code, may not be imposed on a person who, at the time of the commission of an act posing a danger to society, was in a state of insanity, i.e. who could not be aware of the actual nature of his or her actions (or omissions) and the danger they posed to society, or control them, owing to a mental disorder or illness. Coercive security and treatment measures may be applied in respect of such persons by a court.
12. The question of the sanity of a particular person who has committed an act posing a danger to society is decided by the court, taking into account the conclusions of forensic psychiatrists.
13. Medical care, including the supply of medicines as prescribed by a doctor, is provided free of charge to persons in places of deprivation of liberty. Medical units and hospitals have

been set up in correctional institutions. Medical workers carry out a set of public health, therapeutic, diagnostic and other measures in order to provide accessible medical care and to maintain and improve the health of prisoners.

14. Sleeping quarters and sanitary facilities for persons with disabilities are provided in penal institutions.

15. In addition, there is a mechanism of public oversight to safeguard the rights of convicted persons, including those with disabilities. This oversight is carried out by public monitoring commissions. The members of these commissions are from more than 50 of the Republic's voluntary associations. The activities of the public monitoring commissions are independent from government bodies.

Article 24

Education

16. The Education Code enshrines educational inclusion as one of the principles of State policy in the field of education.

17. Persons with disabilities have the same rights as other learners. General secondary education establishments are opening mixed classes, in which persons with special psychological or physical developmental needs study alongside other children, following the general secondary education curriculum.

18. Free transportation to and from educational establishments is provided for any children with disabilities living in remote communities and rural areas who require it. Vehicles are available for this purpose, including some specially adapted to meet the special needs of such children.

19. The professional competence of teaching staff with respect to various aspects of education for persons with special needs is being enhanced.

20. In the Policy Framework for the Development of the Education System for the period up to 2030, which has been approved, it is noted that inclusive education is one of the leading trends in the education of persons with special needs. Under the Policy Framework, the priorities for the development of education for such persons include: ensuring that education for the different categories of children with special needs is accessible and tailored to take account of their educational requirements; creating special conditions for the provision of education to children with special needs at all levels of basic education and in the system of supplementary education for children and young people; and giving effect to the principle of educational inclusion, among other measures by developing an inclusive culture among all participants in the educational process.

21. In general, we wish to emphasize that measures to promote the social integration of persons with disabilities, create an accessible environment and improve their quality of life, and support families that include persons with disabilities in Belarus, are under the special and constant oversight of the Government and the Head of State.

22. Voluntary associations of persons with disabilities must be involved in addressing all topical issues affecting this category of citizens.

23. In presenting the country's report, the delegation of Belarus noted:

- The special attention paid by the country's leadership and Government to the comprehensive consideration of the interests and rights of persons with disabilities in Belarus and their integration into society
- The high level of social protection enjoyed by the entire population of the country and the high indicators in the area of socioeconomic development, which allow effective support to be provided for the self-actualization of persons with disabilities
- The significant legislative reform undertaken, the identification of persons with disabilities in the revised Constitution of the Republic of Belarus as a category of

citizens of whom the State takes special care and the adoption of the Act on the Rights of Persons with Disabilities and Their Social Integration

- The specific measures taken to implement the Convention (in the areas of health care, education, social protection, culture and sports, and participation in public and political life) within the framework of the National Action Plan adopted for that purpose
- The development of public dialogue and the broad participation of voluntary associations and national and regional councils on the rights of persons with disabilities in the national mechanism for monitoring the implementation of the Convention

24. During the discussion with the Committee, information was presented on, inter alia, the system built in the country to ensure the comprehensive accessibility of the environment for persons with disabilities, the national manufacture of assistive devices for social rehabilitation, and the development of the system of social services and of employment opportunities for persons with disabilities.

25. The concluding observations do not contain the Committee's views on the State party's efforts in the above-mentioned areas, nor do they reflect the experts' position on the negative impact of the sanctions policy, which is being widely applied by a number of Western countries against Belarus, on the situation of persons with disabilities, including the discriminatory exclusion of Belarusian Paralympic athletes from international competitions. The delegation, however, drew attention to this issue during the presentation of the report, including the discriminatory conditions imposed for the Paralympic team's participation in the 2024 Summer Paralympic Games.

26. The Belarusian delegation wishes to express its dissatisfaction that the Committee focused in its concluding observations on the methodology for the Convention's implementation, a prerogative of the State party, which develops the legislative framework and determines the appropriate strategies, taking into account the national legal tradition and socioeconomic context.

27. In this regard, we wish to draw attention to the fact that peremptory recommendations to amend national legislation will be considered by the State party in the light of the principle of the sovereign right to choose political, economic, legal and social systems.

28. We regard as unfair the judgments made in paragraph 5 (e) and recommendation 6 (d) regarding the use, in the State party, of the term "*invalidity*" (invalids), which comes from the official Russian text of the Convention, to refer to persons with disabilities. Russian is the State language of Belarus and, accordingly, the official text of the Convention is used in the country's normative documents. In 2018, Belarus made official requests, including to the Committee, to harmonize the terminology of the texts of the Convention in the official languages of the United Nations. No response was received.

29. In addition, we note the unacceptable practice of duplicating the recommendations of other treaty bodies: the concluding observations adopted by the Committee on the Elimination of Discrimination against Women in 2016 (CEDAW/C/BLR/CO/8); the Committee against Torture in 2018 (CAT/C/BLR/CO/5); and the Human Rights Committee in 2018 (CCPR/C/BLR/CO/5). We disagree categorically with the inclusion in the concluding observations of references to the reports of special procedures of the Human Rights Council – such as "the report of the United Nations High Commissioner for Human Rights" and "the Special Rapporteur on Belarus" – whose mandates in this regard are not recognized by Belarus and were established in resolutions that did not achieve consensus. Likewise, references to various "guidelines" of the Office of the United Nations High Commissioner for Human Rights that have not been agreed with States parties and cannot be regarded as reference documents do not serve to advance the State party's efforts to implement the Convention.

30. In conclusion, we wish to reaffirm the commitment of Belarus to the Convention and our firm intention to improve national policies and practice for the integration of persons with disabilities into society in close cooperation with voluntary associations in our country.

31. The concluding observations will be taken into account in interdepartmental work at the national level, with the hope that the next dialogue with the Committee will be conducted in a depoliticized manner, focused on achieving practical results for the entire population of the country whose rights are protected by the Convention.

32. We must insist that this information be posted on the official website and in other available official information sources of the Committee, as a supplement to the concluding observations adopted by the Committee following its consideration of the initial report of Belarus on the implementation of the Convention.
