

UNIVERSAL PERIODIC REVIEW

Joint submission to the UN Office of the High Commissioner for Human Rights by the Belarusian National Youth Council “RADA” and the European Youth Forum (YFJ)

Key words: youth rights, rights to education, freedom of movement, freedom of expression, human rights defenders, shrinking civic space, youth participation, LGBTQI+

INTRODUCTION

1. According to art. 1 of the Universal Declaration of Human Rights, all human beings are born free and equal in dignity and rights¹. Equality and non-discrimination are core principles of international human rights law. In this context, we express our concern regarding the ongoing discrimination against young people in Belarus. By raising awareness on these issues, we would like to emphasize the importance of promoting young people's active participation in democratic life, involving structured youth organizations in inclusive participatory processes, and fostering cooperation among youth organizations.

HUMAN RIGHTS SITUATION IN BELARUS: GENERAL REMARKS

2. This report is focused on issues concerning young people and based on the political priorities identified by youth organizations in Belarus. As such, this report is not meant to provide an exhaustive overview of all human rights issues in Belarus deserving attention. The government's continued refusal to accept the mandate of the UN Special Rapporteur on the situation of human rights in Belarus is therefore particularly concerning.

Recommendations:

- **Ensure that national legislation is compliant with Belarus' obligations under International Human Rights Law.**
- **Accept the mandate of the UN Special Rapporteur on the situation of human rights in Belarus.**

RIGHT TO EDUCATION

¹ The Universal Declaration of Human Rights / Website – <https://www.un.org/en/universal-declaration-human-rights/>

3. Violations of young people's right to education, and higher education in particular, continue to be systematic in Belarus. These are often intertwined with other human rights violations, affecting young people's right to equality and non-discrimination, and their enjoyment of other fundamental freedoms.

Right to education and right to equality and non-discrimination

Recommendations accepted by Belarus during the 2nd UPR cycle in 2015: 127.43, 127.44, 127.46, 127.47, 127.67, 127.100, 127.101, 127.104, 129.25

4. A number of higher education institutions in Belarus have a discriminatory approach to the enrolment system, as female students are subjected to stricter requirements for admission compared to men. This is a violation of Article 10 the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),² which calls for equal rights and treatment in accessing education, as well as under the International Covenant on Economic, Social and Cultural Rights (CESCR).³ Moreover, a 2014 Resolution of the Council of Ministers of the Republic of Belarus restricted the type of professions accessible to women.⁴ This is contrary to Article 41 of the Constitution of Belarus, which states that "citizens of the Republic of Belarus are guaranteed the right to work as the most dignified means of self-assertion",⁵ as well as Article 11 of the CEDAW, imposing an obligation on State Parties to eliminate discrimination against women in the field of employment.⁶
5. Furthermore, the right of young people with disabilities to access education is often violated. For example, universities in Belarus are not physically accessible, and young people with disabilities are not provided with equal opportunities to play sports throughout their education. These discriminatory practices are contrary to Article 32 of the Constitution of Belarus which protects young people's right to "their spiritual, moral and

² Article 10 – «States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women...»

³ Article 3 «The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.» [Electronic Resource] – Mode of access: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx> Date of access: 21.09.2019

⁴ ПОСТАНОВЛЕНИЕ МИНИСТЕРСТВА ТРУДА И СОЦИАЛЬНОЙ ЗАЩИТЫ РЕСПУБЛИКИ БЕЛАРУСЬ 12 июня 2014 г. № 35 «Об установлении списка тяжелых работ и работ с вредными и (или) опасными условиями труда, на которых запрещается привлечение к труду женщин» [Electronic Resource] – Mode of access: http://pravo.by/upload/docs/op/W21428913_1406149200.pdf Date of access: 22.09.2019

⁵ Constitution of Republic of Belarus / Official Legal Portal [Electronic Resource] – Mode of access: <http://pravo.by/pravovaya-informatsiya/normativnye-dokumenty/konstitutsiya-respubliki-belarus/> Date of access: 22.09.2019

⁶ CEDAW, Article 11 "States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights,"

physical development”;⁷ and constitute a violation of Belarus’ obligations under the Convention on the Rights of Persons with Disabilities (CRDP).⁸

6. Lastly, education in Belarusian is not provided in any higher education institution in Belarus, despite the fact that both Belarusian and Russian are the official languages of the Republic of Belarus.⁹

Right to education and freedom of association, opinion, and movement

Recommendations accepted by Belarus during the 2nd UPR cycle in 2015: 127.111, 129.78, 129.84, 129.55, 129.60, 129.61, 129.62, 129.63

7. In addition to the above human rights violations, the Belarusian education system often restricts other fundamental freedoms, such as freedom of association, freedom to elect and be elected, and freedom of movement. The right to participate in the management of universities is restricted, and unjustified disciplinary sanctions are imposed. Students and schoolchildren are subjected to pressure from the administrations of educational institutions: for example, students are forced to join national GoNGO, and the pro-government Belarusian Republican Youth Union “BRSM”.¹⁰ RADA expresses its disagreement with the actions of the administration of higher education institutions and stresses the importance of respecting freedom of association, which should include the possibility to join organizations that are independent from the government, such as RADA. Furthermore, it is not uncommon for teachers to be prosecuted for their social views, a clear infringement of their right to freely express their opinions.¹¹
8. From June 2019, according to national law,¹² compulsory military service can be deferred only once, and only to allow male students to complete the first level of vocational, specialized secondary or higher education. In practice, this means that young men are

⁷ Constitution of Republic of Belarus / Official Legal Portal [Electronic Resource] – Mode of access: <http://pravo.by/pravovaya-informatsiya/normativnye-dokumenty/konstitutsiya-respubliki-belarus/> Date of access: 22.09.2019

⁸ Article 24 – Education «1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity...»

⁹ Article 17 of the Constitution of Belarus: “Belarusian and Russian are the official languages of the Republic of Belarus”.

¹⁰ Детей загоняют в БРСМ. Минобразования умывает руки, а крайним делают учителя / [Electronic Resource] – Mode of access: <https://naviny.by/article/20181031/1540988465-detey-zagonyayut-v-brsm-minobrazovaniya-umyvaet-ruki-kraynim-delayut> Date of access: 22.09.2019

¹¹ «Неудобного» доцента Пляхимовича уволили из БГУ. Он подал заявление в милицию на руководство юрфака / [Electronic Resource] – Mode of access: <https://nn.by/?c=ar&i=233062&lang=ru> Date of access: 22.09.2019

¹² News Portal SB.BY / Отсрочку от призыва для продолжения образования в Беларуси предлагается предоставлять только раз [Electronic Resource] – Mode of access: <https://www.sb.by/articles/otsrochku-ot-prizyva-dlya-prodolzheniya-obrazovaniya-v-belarusi-predlagaetsya-predostavlyat-tolko-ra.html> Date of access: 22.09.2019

obliged to serve in the army before being able to complete their university degree. Punitive measures are foreseen against those who, once notified, do not enlist in the army:¹³ following a specific procedure, which can include a criminal prosecution, a travel ban can be issued to prevent them from leaving the country. This is a violation of men's right to equal access to education, and as such is a violation of CEDAW's Article 10, and CESCR's Article 3; as well as a violation of the right to free movement, as protected by Article 10 of the International Covenant on Civil and Political Rights (ICCPR),¹⁴ and the Constitution of Belarus.¹⁵

Recommendations:

- **Take concrete steps to ensure that freedom of expression and opinion are respected, protected and fulfilled, particularly in the higher education system, including by ceasing to prosecute students and teachers on the basis of their political views.**
- **Take concrete measures to promote gender equality, including by reviewing admission requirements to access universities, and abolishing Regulation No. 35 (2014) of the Ministry of Trade and Social Protection "On Establishment of The List of Heavy Works and Works with Harmful And (or) Dangerous Working Conditions Where It Is Prohibited To Employ Women", limiting the type of professions available to women.**
- **Provide equal access to quality education for young people with disabilities.**
- **Allow students to freely choose whether to join a representative structure.**
- **Reform national laws on compulsory military service to ensure that men have equal access to education, and their right to free movement is not violated.**

CIVIL AND POLITICAL RIGHTS: SHRINKING SPACE FOR CIVIL SOCIETY IN BELARUS

Recommendations accepted by Belarus during the 2nd UPR cycle in 2015: 127.79, 129.75

9. In Belarus, heavy legislative restrictions on freedom of media, civil society organizations, political parties and public assemblies remain an issue.¹⁶ In 2018, civil society activists, lawyers, rights groups, and independent media continued to face government harassment and pressure. For example, a student activist at the Poleski University was reprimanded for hanging a rainbow flag, as a symbol of the movement for LGBTQI+ rights, on the door of

¹³ News Portal TUT.BY [Electronic Resource] – Mode of access: <https://news.tut.by/society/647015.html> Date of access: 22.09.2019

¹⁴ ICCPR, Article 11;

¹⁵ Constitution of Belarus, Article 30: “citizens of the Republic of Belarus have the right to move freely and choose their place of residence within the territory of the Republic of Belarus, to leave it and to return freely”.

¹⁶ Amnesty International / Official Website [Electronic Resource] – Mode of access: <https://www.amnesty.org/en/countries/europe-and-central-asia/belarus/report-belarus/> Date of access: 22.09.2019

his dormitory.¹⁷ Authorities prosecuted dozens of journalists on a variety of arbitrary grounds and adopted new restrictions on internet freedoms.¹⁸

10. The shrinking space for civil society is often connected with the coming to power of new political forces. These political forces try to secure their power by weakening others both in politics and civic spheres. In Belarus the shrinking space for civil society organizations (CSOs) has been an issue since 1995. As a result, when it comes to youth organizations in Belarus, in 2019 we see that their number has significantly decreased, and they struggle to overcome the barriers posed by the government. Some CSOs were forcefully shut down: the Belarusian National Youth Council 'RADA', the Belarusian Student Alliance, Gay Belarus etc. Despite this, some organizations continue their work with or without official registration and are still fully recognized internationally thanks to the support of the international community and international bodies.
11. Moreover, youth policy issues in Belarus are not given specific attention by the State. In most cases, issues relating to young people fall under the portfolio of the Ministry of Education. This is however not enough to provide qualified protection to and recognition of the rights of young people. Furthermore, this has a negative consequence on civil society too. State authorities do not pay sufficient attention to working with youth organizations such as the Belarusian National Youth Council "RADA"; and many youth organizations are not provided with equal access to public funding.

Recommendations:

- **Take active measures to protect freedom of expression and opinion, including by ceasing all prosecution against citizens on the basis of their personal belief or status.**
- **Stop all forms of harassment against independent young activists, lawyers, media, and civil society organizations.**
- **Take steps to ensure that citizens can exercise their freedom of association, including by recognizing and promoting the role of civil society organizations.**
- **Consider establishing a specialized Ministry for Youth in Belarus.**
- **Legally recognize the Belarusian National Youth Council "RADA" as the National Youth Council of Belarus.**
- **Provide all youth organizations with equal access to public funding in the field of youth policy.**

¹⁷ Human Rights Defender Center «Viasna96» [Electronic Resource] – Mode of access: <http://spring96.org/ru/news/92399> Date of access: 22.09.2019

¹⁸ Human Rights Watch / Official Website / Report / [Electronic Resource] – Mode of access: <https://www.hrw.org/world-report/2019/country-chapters/belarus> Date of access: 22.09.2019



About the Contributing Organizations



The **Belarusian National Youth Council “RADA”** is a voluntary union of 23 youth associations, established with the purpose of consolidating of youth organizations in Belarus. “RADA” operates in the areas of representation, promotion and defending the common interests and freedoms of youth organizations and young people in Belarus.



The **European Youth Forum** is the platform of youth organisations in Europe. We represent over 100 youth organisations, which bring together tens of millions of young people from all over Europe.

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