



**Suggestions for the List of Issues Prior to Reporting to be adopted by the Committee on Economic, Social and Cultural Rights at its 71<sup>st</sup> session (PSWG) in relation to**

**BELARUS**

Keywords: youth rights, rights to education, equal rights, freedom of expression, young human rights defenders, student rights, shrinking civic space, youth organization

**ABOUT THE CONTRIBUTING ORGANIZATION**

The **Belarusian National Youth Council “RADA”** is a voluntary union of 32 youth associations, established with the purpose of consolidating 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. RADA is a full member of the European Youth Forum, a platform of European youth organizations, representing more than 100 youth organizations that bring together tens of millions of young people from all over Europe and also a part of European Youth Forum’s Expert Group on Youth Rights.

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**INTRODUCTION**

1. According to art. 1 of the Universal Declaration of Human Rights, which, together with the International Covenant on Economic, Social and Cultural Rights, forms part of the International Bill of Human Rights, all human beings are born free and equal in

dignity and rights. 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.

2. Furthermore, the official website of the Ministry of Justice of the Republic of Belarus states that “The rights proclaimed in these documents are comprehensive. They are acceptable for all people regardless of political and economic development of a state”<sup>1</sup>. However, practice shows that the Belarusian authorities do not take into account the norms and principles of International law.
3. Moreover, the legal situation in Belarus has radically deteriorated since the August 2020 elections. More than 400 nongovernmental organizations were closed or forced to close. Many of them worked in fields related to economic, social and cultural rights. For many people from the field this means the end of their work as there is an administrative punishment for acting on behalf of an unregistered organization so they cannot continue to deliver their services and products to their target audience legally.
4. In addition, at the end of 2021, Belarus adopted<sup>2</sup> a draft law which criminalizes participation in dissolved and unregistered organizations. Which would mean a violation of the norms and principles of this covenant.
5. Tens of thousands of young people have been forced to leave Belarus for their own safety and hundreds remain in prison. As of December 2021, there were 969 political prisoners in the country<sup>3</sup>.
6. As of 12.11.2021, there were 492 cases of detention of students by the Ministry of the Interior and 529 cases of pressure by university administrations (296 of which resulted in expulsion). This indicates an unprecedented attack not only on the social and cultural rights of young people in Belarus, but also on the impossibility for all young Belarusians to have the right to education.
7. The analysis of data developed by the authoritative Belarusian human rights centre "Viasna"<sup>4</sup> shows that more than 439 political prisoners are with the date of birth after

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<sup>1</sup>Ministry of Justice of the Republic of Belarus / Official Legal Portal [Electronic Resource] – Mode of access: [https://minjust.gov.by/en/information/human\\_rights/](https://minjust.gov.by/en/information/human_rights/) Date of access: 08.12.2021

<sup>2</sup>Zerkalo.io / Belarusian News Portal / Official Legal Portal [Electronic Resource] – Mode of access: <https://news.zerkalo.io/economics/7517.html?tg> Date of access: 21.12.2021

<sup>3</sup>Human Rights Center Viasna / Official Legal Portal [Electronic Resource] – Mode of access: <https://prisoners.spring96.org/en> Date of access: 03.01.2022

<sup>4</sup>Human Rights Center Viasna / Official Legal Portal [Electronic Resource] – Mode of access: <https://prisoners.spring96.org> Date of access: 15.12.2021

01.01.1986, i.e. young people. That is an obvious and unprecedented violation of the rights of young people in Belarus.

8. Young human rights defender Marfa Rabkova<sup>5</sup> from the NGO Human Rights Centre "Viasna", was arrested on 17 September 2020 and remanded as a criminal suspect, charged with "preparation of mass riots" in connection with her human rights work. As of December 2021, she faces new charges under 11 articles of the criminal code relating to making "threats to national security", which could lead to her imprisonment for up to 20 years.
9. The Belarusian National Youth Council "RADA" has already submitted the Universal Periodic Review<sup>6</sup> on the Rights of Young Belarusians to the UN Human Rights Council in 2020, the National Youth Council of Belarus still believes that the rights of young people in Belarus remain under threat and continue to be violated in an unprecedented scale in Belarus.

### **Suggested questions:**

- **What legal steps has the State Party taken since its last review to enact comprehensive law which prohibits discrimination of young people in Belarus in the enjoyment of all economic, social and cultural rights protected under the Covenant?**
- **What concrete steps has Belarus taken to ensure respect for freedom of expression and opinion, protection and implementation, especially in higher education, including by stopping the persecution of students and teachers based on their political views?**
- **How does Belarus, as a party to the present Covenant, fulfill its obligation to ensure the equal right of young men and young women to the enjoyment of all economic, social and cultural rights set out in the present Covenant?**

### **RIGHTS TO EDUCATION AND ACADEMIC FREEDOM**

10. Article 13 of the present Covenant states that the States Parties to the present Covenant recognise the right of everyone to education, also Article 26 of the Universal Declaration of Human Rights states that "Everyone has the right to education. Technical and vocational education shall be made generally available and higher education shall be equally accessible to all based on merit." At the moment 52 young

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<sup>5</sup>Amnesty International / Official Legal Portal [Electronic Resource] – Mode of access: <https://www.amnesty.org/en/latest/news/2021/12/belarus-drop-myriad-charges-against-human-rights-defender-marfa-rabkova/> Date of access: 15.12.2021

<sup>6</sup>Belarusian National Youth Council RADA / Official Legal Portal [Electronic Resource] – Mode of access: <https://en.rada.fm/2020/04/09/rada-reported-on-the-youth/> Date of access: 01.09.2021

students are accused under Article 342 of the Criminal Code of the Republic of Belarus of "Organization and preparation of actions that grossly violate public order or active participation in them" and detained. While in pre-trial detention, even before being found guilty by the court, the students are deprived of the right to continue their education in their institutions of higher education on the grounds of missing classes for unsubstantial reasons.

- 11.** On 23.10.2020, the Prosecutor General of the Republic of Belarus stated that the term of administrative detention could not be considered a valid reason for missing classes. Thus, the students were charged with serving an administrative penalty. In view of this, several students, having been held administratively responsible under Article 23.34 of the Code of Administrative Offences, were expelled from their universities. This practice can also be seen as double jeopardy, where one offence is punished by the Ministry of the Interior, the Judiciary and by the universities.
- 12.** Also, 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 of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which calls for equal rights and treatment in accessing education, as well as under the International Covenant on Economic, Social and Cultural Rights (CESCR). Moreover, a 2014 Resolution of the Council of Ministers of the Republic of Belarus restricted the type of professions accessible to women. 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", as well as Article 11 of the CEDAW, imposing an obligation on State Parties to eliminate discrimination against women in the field of employment.
- 13.** 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 physical development"; and constitute a violation of Belarus' obligations under the Convention on the Rights of Persons with Disabilities (CRDP).
- 14.** In addition, 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.
- 15.** Starting from 01.09.2020<sup>7</sup> university administrations began to put pressure on activists of strike committees and initiative groups throughout the country. In

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<sup>7</sup>Belarusian Students Association / Official Legal Portal [Electronic Resource] – Mode of access: <https://zbsunion.by/en> Date of access: 10.12.2021

different education establishments students may have faced different pressure options: Call for a conversation to the dean's office or the rector's office, call to the prevention council, receiving comments/warnings and reprimands, expulsion, preventive conversations with law enforcement officials at the university, the university administration calls police officers and riot police to disperse peaceful actions, informing law enforcement agencies about the activity of students, transmitting videos and data of activists from the administration, permanent or temporary presence of law enforcement officers at the university (in uniform and in plain clothes), changes to internal documents, with a direct ban on mass demonstrations.

16. In turn, teacher-activists could also face pressure<sup>8</sup> on them, it was expressed in different forms: conversations with the university administration, politically motivated dismissals and non-renewal of contracts, commissions on ethics.
17. But the repression in 2021 began to take new forms and took on even more radical forms. For example, Ksenia Martul<sup>9</sup>, lecturer of the journalism department of the Belarusian State University, was detained during a lecture in Minsk. She was broadcasting a channel on gender issues. This is a direct violation not only of international law, but also of national law and the Constitution. On 15 of December 2021 she was sentenced to 15 days in jail.
18. In addition, many youth activists, as well as students on the strike committees, have been subjected to cruel and inhuman treatment by representatives of police after being detained. They are often forced to take part in "apologetic" videos, in those videos they are forced to incriminate themselves and ask the state authorities to forgive them for their lawful and legal actions. Thus, after the arrest of Ksenia Martul, on the same day a video was published in the state media in which she talks about her legal human rights activities and apologizes for them.

#### **Suggested questions:**

- **How can the Belarusian authorities stop the illegal persecution of students and lecturers for their legal right to freedom of expression in Belarusian universities?**
- **How can the Belarusian authorities guarantee basic academic rights and freedoms despite politically-motivated persecution?**

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<sup>8</sup>Belarusian Students Association / Official Legal Portal [Electronic Resource] – Mode of access: <https://zbsunion.by/en> Date of access: 10.12.2021

<sup>9</sup>Belsat / Official Legal Portal [Electronic Resource] – Mode of access: <https://belsat.eu/en/news/15-12-2021-university-teacher-working-at-bsu-journalism-faculty-sentenced-to-administrative-arrest/> Date of access: 20.12.2021

- **How and within what time frame will the Belarusian authorities restore justice to the expelled students and teachers? How will their cultural and social rights be restored?**
- **When will the Belarusian authorities bring to criminal and administrative responsibility those persons involved in the violation of cultural and social rights of young Belarusians in the period after August 2020 and up to the present day?**

## **FREEDOM OF SPEECH, FREEDOM OF ASSOCIATION**

- 19.** The civic space for Belarusian civil society organizations and activists is shrinking continuously through various measures taken by the government. On 21 October 2021, 10 members of the European Youth Parliament, a non-profit and non-partisan youth organization working on active citizenship for young people in Europe, were interrogated<sup>10</sup>. Questions were asked about youth organizations, funding, and political views of the participants. The regime's restrictions on civil society continues unabated and is also directed towards non-political actors, which further diminishes the freedom of expression and the right to organize.
- 20.** More than 400 organizations have been liquidated<sup>11</sup> since July 23, 2021, which marked the end of civil society in Belarus. In general, governments understand that NGOs build the culture and comfort of civil society and public space. There is no doubt that the cultural and social rights and freedoms of our member organizations have been violated.
- 21.** Belarusian youth activists and representatives of the Belarusian National Youth Council RADA, among others, have not once been arrested<sup>12</sup>, illegally convicted and tortured.
- 22.** Belarusian National Youth Council "RADA" is a voluntary union of 32 youth associations, being created with the purpose of consolidating youth organizations and initiatives of Belarus, but 31 member organizations were deprived of registration in Belarus in 2021 for illegal reasons.

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<sup>10</sup>LSU - Swedish National Youth Council / Official Legal Portal [Electronic Resource] – Mode of access: <https://lsu.se/nyhet/on-shrinking-space-in-belarus/> Date of access: 17.12.2021

<sup>11</sup>Die Welt / Official Legal Portal [Electronic Resource] – Mode of access: <https://www.welt.de/politik/ausland/article235200264/Belarus-Die-Frauen-haben-der-Grausamkeit-etwas-Pures-und-Naives-entgegengestellt.html?s=09> Date of access: 18.12.2021

<sup>12</sup>Al Jazeera / Official Legal Portal [Electronic Resource] – Mode of access: <https://www.aljazeera.com/opinions/2020/9/17/belarusians-will-not-give-up-despite-the-repression> Date of access: 18.12.2021

23. The European Youth Forum is very concerned<sup>13</sup> with ongoing human rights violations in Belarus, which are severely impacting the lives and freedoms of young people, including freedom of speech and association.
24. Belarusian National Youth Council RADA during all time after August 2020 RADA expressed<sup>14</sup> concern about the approach chosen by administrations of educational institutions of expelling and intimidation of students - participants of peaceful assemblies. Rudeness, refusals to talk, psychological pressure, blackmail by the payment of scholarships and awards and calls of riot police against peaceful student actions.
25. These unlawful actions by the Belarusian authorities continue into 2021. For example, a 20-year-old student, Artsiom Bayarski<sup>15</sup>, of the chemistry department of the Belarus State University was detained on March 24, 2021, charged with several criminal articles for political reasons and sentenced to five years of imprisonment. Despite clear signs of coronavirus infection and the recommendation of doctors, on 30 December 2021 he was sent from the detention center in Minsk to prison in the city of Mogilev.
26. In Belarus, the right to freedom of expression and association continues to be grossly violated, and peaceful demonstrators are subjected to torture<sup>16</sup>. Belarusian National Youth Council "RADA" was appealed to the UN Human Rights Council Special Rapporteur on Belarus - Ms Anais Marin and express their perplexity and indignation at the arrest of a member of our member organization - Darya Skorokhod, President of the European Youth Parliament in Belarus.

### Suggested questions:

- **How is the state, having abolished the vast majority of democratic NGOs and leaving only the GONGOs, like BRSM, with an official status, going to fulfill its obligations under international treaties, in particular this International Covenant?**
- **How Belarus understands freedom of expression and association in the current context and is going to implement international law based on fundamental principles in this field?**

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<sup>13</sup>European Youth Forum / Official Legal Portal [Electronic Resource] – Mode of access: <https://www.youthforum.org/human-rights-violations-belarus> Date of access: 16.12.2021

<sup>14</sup>Belarusian National Youth Council RADA / Official Legal Portal [Electronic Resource] – Mode of access: <https://en.rada.fm/2020/11/02/against-pressure-on-student-movement/> Date of access: 16.12.2021

<sup>15</sup>Human Rights Center Viasna / Official Legal Portal [Electronic Resource] – Mode of access: <https://prisoners.spring96.org/en/person/arciom-bajarski> Date of access: 03.01.2022

<sup>16</sup>Belarusian National Youth Council RADA / Official Legal Portal [Electronic Resource] – Mode of access: <https://en.rada.fm/2020/09/18/darya-skorokhod/> Date of access: 16.12.2021

- **How is Belarus going to continue its engagement with international organizations, including this Committee, without the participation of democratic non-governmental NGOs that have been illegally liquidated over the past year and a half?**