

**The analysis of some statements
of the 5th and 6th Periodic State Reports of Belarus,
due in 2017,
prepared by experts of International Centre for Civic Initiatives “Our House”
(Belarus)**

n	Statements of the 5th and 6th Periodic State Reports of Belarus, due in 2017 (Belarus) (hereinafter “Report”)	Objections by OUR HOUSE's experts
1	408. Regarding the issue of bringing minors to criminal responsibility, in Belarus child-friendly measures, based on restorative justice procedures, are actually applied.	<p>In the course of analysis of criminal cases (in particular, those under article 328 of the Criminal Code of the Republic of Belarus) it has been revealed that:</p> <ul style="list-style-type: none"> - there have been multiple violations of the rights of children at pre-trial stages and the most severe preventive measure – putting in custody – has been applied without sufficient reasons; - minors were involved in operational and investigative activities despite the possibility to involve adults; - tortures, physical and psychological violence were applied to minors by enforcers; - minors usually receive the maximum sentence of 10 years imprisonment, despite that a minor's guilt is often not proven, the court is guided by speculations and rumors, and any lack of evidence is interpreted as the minor's guilt; - the legal representatives of detained minors were notified with significant delay; - in sentencing, the investigative and judicial bodies do not usually take into account such mitigating facts as that when the minor voluntarily turns in narcotic drugs and actively cooperates with the investigation; - the evidence of the guilt of a minor have often been obtained illegally, in violation of the Belarusian legislation; - as a rule, the investigation does not even try to

		<p>find the adults who have involved the teenager into committing the crime;</p> <ul style="list-style-type: none"> - the right of minors for education is often violated; - it is common that no medical, psychological or other assistance is provided. <p>In juvenile cases, the most severe punishments are usually applied.</p> <p>What was stated above makes it impossible to recognize the existing justice in the Republic of Belarus as child-friendly. It is highly punitive.</p> <p><u>At any stage of proceedings against a minor, the principle of increased legal protection of minors in the criminal process is not respected in Belarus.</u></p>
2	<p>130. The principle of ensuring the best interests of the child is partially implemented in the legislation. In particular, this principle is reflected in certain norms of the Code of the Republic of Belarus on Marriage and Family and the Law on the Rights of the Child.</p>	<p>In the Code of the Republic of Belarus on Marriage and Family, the principle of ensuring the best interests of the child is ignored. In particular, the stipulation that a child's opinion should be consulted while depriving his/her parents of parental rights was not included in the Code.</p> <p>In the following situations:</p> <ul style="list-style-type: none"> (a) the child reached the age of 10 years and he/she is sent to a substitute family; (b) the period of substitute family's duties expires (usually after one year) and the child is then sent to an orphanage or a similar institution, <ul style="list-style-type: none"> – neither the child's opinion is consulted, nor his/her best interest is considered. <p>The child is usually placed in an orphanage or a residential institution, although his/her interests demand that he/she stay in the substitute family, which the child has got attached to.</p> <p>The Decree of the President of the Republic of Belarus makes it possible to take children away for their parents' failure to pay utility bills, for low incomes of the family, or for parents' disease. Thus, instead of assisting the family, the state separates children and parents, which in no way is compatible with the best interests of children.</p> <p>If a foreign citizen who permanently resides in the Republic of Belarus has committed several</p>

administrative offences, he/she can be expelled (deported) from the country. The fact of having underage children (citizens or non-citizens of Belarus) is **not taken into account**. Such a punishment does not square with the principle of ensuring the best interests of the child, as it often results in **separation** of the child and parent.

In case of adoption, it is possible to change all the names (first, last, and patronymic) of an adopted child. But the consent of an adopted child is required only if the child is at least 10 years old. In other cases, even if the child is already aware of his/her names, his/her consent **is not required**.

At the request of adoptive parents, to ensure the confidentiality of adoption, the legislation permits changing the date of the birth of an adopted child within one year as well as the location of his/her birth within the Republic of Belarus. However, the consent of a child, even if he/she reached the age of 10, is **not required**. This curtails not only the right of the child to the protection of individuality, but also his/her right to maintain relations with natural parents and siblings.

The issue of orphans' access to information about their natural parents and siblings is poorly regulated.

Guardians (protectors, foster parents, parents-educators) are charged with the obligation to ensure communication of the adopted child with his/her natural parents and other close relatives. Guardians are **not**, however, **obliged** to provide the child with access to information about his/her parents and other close relatives. **Nor are** the heads of children's residential institutions **obliged** to do so.

The abovementioned problems have existed in Belarus for a long time, but no measures have been taken to solve them.

3 137. While considering the cases of deprivation of parental rights, courts necessarily take into account the opinion of the child who has reached the age of ten years. At the request of the court, the opinion is presented by the guardianship authority at the place of the child's

Due to the fact that there is **no such provision** in the legislation (as in the case of the restoration of parental rights), the child, even if he/she has reached the age of 10 years, is **not asked for opinion**.
Therefore, this statement of the Report is untrue.

	residence, unless this is contrary to the his/her interests.	
	<p>138. The participation in criminal proceedings of legal representatives of both a minor victim and minor suspect or minor defendant is obligatory. In investigative and other legal proceedings involving persons under the age of fourteen the participation of a pedagogue or psychologist is obligatory. <u>In case persons involved in criminal proceedings are under the age of sixteen, the body conducting the proceedings may rule that these persons [pedagogue or psychologist] should take part in the proceedings.</u></p>	<p>It should be noted that the participation of a pedagogue or psychologist in investigative actions involving a person who has reached the age of sixteen is determined not by the opinion of the child, but by the body conducting the process. The role of child's opinion is not specified at all.</p> <p>In the administrative process, when interrogating a minor of age 14 to 16 it is an official of the body responsible the process who decides whether the participation of a pedagogical worker is necessary. If necessary, a psychologist as well as parents or other legal representatives of the minor can be present during the interrogation.</p> <p>In other words, the procedural legislation does not require taking into account the opinion of a minor when decision is made on whether or not pedagogical workers or legal representatives should be present during the interrogation of the minor.</p>
5	11. Over the reporting period, work continued towards improving the national legislation in the interest of children.	There have been no real amendments in the legislation aimed at improving the protection of the rights and interests of children that are stipulated by the Convention.
6	<p>12. On September 22, 2017, the Council of Ministers of the Republic of Belarus approved Resolution No. 710 of the National Action Plan for 2017—2021 to improve the situation of children and protect their rights (hereinafter – the <i>National Plan</i>). The National Plan is a policy document aimed at implementing the provisions of the Convention on the Rights of the Child, creating conditions for the protection of the rights and legitimate interests of children and for the free and effective participation of children and youth in the political, social, economic and cultural development of the state and society.</p> <p>34. The Government of Belarus has approved the National Action Plan for the improvement of the situation of children</p>	<p>The analysis of the provisions of the National Plan reveals that it does not provide for really effective measures for the actualization of the right of children to live and be brought up in a family environment (support for families and preventing social orphanhood).</p> <p>The National Plan does not provide the responsibility of guardianship authorities for violating the rights and best interests of a child. No criteria were set for distinguishing justified from unjustified decision to impose on a child the status “In need of state protection”. As a result, children are often taken away from their parents without substantial reasons.</p> <p>The absence of legally established responsibility of a guardianship authority for infringement on the best interests and rights of a child generates the phenomenon of “secondary orphanhood”. The</p>

	<p>and the protection of their rights for 2017—2021, which is a policy document covering all the areas of the Convention and the optional protocols attached to it.</p> <p>37. In the course of developing the National Plan experts of the United Nations Children's Fund (UNICEF) in Belarus were consulted. Its draft was openly discussed, including with representatives of civil society and children. Many proposals were taken into account in the final version of the document.</p>	<p>creation of social and pedagogical centres in Minsk and regions (oblasts) does not eliminate the problem.</p> <p>The National Plan's measures, seemingly aimed at the protection of the rights of children, are in fact a bureaucratic fiction.</p> <p>It is also worth noting that the measures aimed at ensuring the right of children to fair justice (prevention of juvenile delinquency) are insufficient. For example,</p> <ul style="list-style-type: none"> - <i>professional judge and two lay assessors</i>. Currently, in the Republic of Belarus juvenile crimes are considered by one professional judge and two lay assessors. There is no specialization for the judges who deal with juveniles' crimes (we mean the specialization that would include not only training in law, but also pedagogy, psychology, and sociology). Lay assessors that deal with such cases do not have special professional competences. - <i>confidentiality of juvenile proceedings</i>. The confidentiality of court proceedings is not unconditional and does not extend to the pronouncement of a sentence. The decision on whether to hold a closed court session is a discretionary prerogative of the court. There are no clear criteria on which the trial of a minor should be closed or open. Therefore, there are situations when a court session is declared closed in order to hide from the public the instances of violation of the rights of a child by government agencies.
7	<p>8. Belarus has taken note of the recommendation of the Committee, but does not share the view that it is necessary to make a comprehensive revision of the existing domestic legislation and relevant sub-legal administrative acts, as well as to transform the decrees of the President into laws. The Committee did not provide satisfactory explanations of reasons for issuing such recommendations despite the fact that the legal system in Belarus functions well and ensures the effective protection of children's rights.</p>	<p>Despite the fact that the Committee did not explain the reasons for these recommendations, such a revision is really necessary, since there are a number of discrepancies and contradictions within the body of Belarusian normative legal acts regarding the rights and interests of children. For example:</p> <ul style="list-style-type: none"> - when it comes to education for minors, in case minors are placed in temporary detention facilities, the Law of the Republic of Belarus on the Rights of the Child guarantees them the right to receive free education under conditions and in the manner specified by legislative acts. At the same time: <ul style="list-style-type: none"> a) the Code of the Republic of Belarus on Education does not provide for organizing

educational process at the secondary school level in pre-trial detention centres;

b) the internal rules of detention centres of the criminal executive system of the Ministry of Internal Affairs of the Republic of Belarus approved by the Ministry of Internal Affairs on January 13, 2004, No. 3, do provide for organizing education for minors in detention centres;

- the Labour Code provides for a parental leave for a child's father if the mother has a disease preventing her from fulfilling her maternal duties, but it contains neither a list of such diseases nor criteria for their identification, which makes it **impossible** to implement the provision in real life;

- the Decree of the President No. 18 "On Supplementary Measures for the State Protection of Children in Dysfunctional Families" (signed on November 24, 2006) does not contain clear criteria for determining the instances described as "inappropriately fulfill their responsibilities for the upbringing and maintenance of children", which results in **unjustified removals** of children from their parents;

As was mentioned earlier, the existing measures do not suffice for realization of children's rights to fair justice. The participation of a professional judge and two lay assessors in juvenile case does not guarantee that the interests of a minor be respected. Such judges are not sufficiently trained in pedagogy, psychology, or sociology. Lay assessors that deal with such cases do not have special competences at all.

The confidentiality of court proceedings is not unconditional and does not extend to the pronouncement of a sentence. The decision on whether to hold a closed court session is a **discretionary prerogative** of the court.

When dealing with juvenile cases, criminal prosecution bodies are **not obliged** to interact with social service agencies, which prevents the use of pedagogical, psychological and sociological knowledge for examining the personality of a minor and applying legal measures to him/her;

		<ul style="list-style-type: none"> - the Code of the Republic of Belarus on Marriage and Family contains no clear criteria for judging whether or not a guardian must be suspended in his/her duties (brought to family justice), which results in unjustified suspensions; - the Code of the Republic of Belarus on Marriage and Family provides a very narrow and closed list of reasons for the termination of a foster family. Thus, it happens that foster families are terminated despite there are still foster minors in them and for the minors it would be better to stay in these families; - a number of discrepancies between administrative procedures on the placement of minor children in families for education; - regulations on the foster family and family-type orphanage, as well as the Model Agreements on the handover of children allow pedagogues to check medical records of foster children, while the Law on Healthcare prohibits it under the threat of criminal punishment; - The Code of the Republic of Belarus on Marriage and Family states that when parents are restored in their parental rights and the child they want to get back has reached the age of 10 years, the child's consent is required to return him/her to the natural parents. However, when parents are deprived of parental rights, the child's opinion is not considered. - other. <p><u>In other words, discrepancies and contradictions in the normative legal acts on the rights of children are numerous, which is the reason for the comprehensive revision of the legislation.</u></p>
8	<p>45. In Belarus, there is no national human rights institution that would comply with the Principles on the status of national institutions for the promotion and protection of human rights (Paris Principles). Belarus continues to explore the possibilities of its creation and to analyse the effectiveness of the functioning of analogical institutions in other countries, including the European Union.</p>	<p>It is true that these councils include some representatives of civil society, however:</p> <p>A) there are no clear and transparent rules on public participation (how an independent organization can become a member of a Council);</p> <p>B) the small proportion of civil society testifies to the absence of independent monitoring. For example:</p> <ul style="list-style-type: none"> - in the National Commission on the Rights of the Child, out of 34 members only 3 represents from civil society;

46. Despite the absence of a national human rights institution, Belarus has a developed system of specialized state-and-civic public institutions for the protection and promotion of various categories of human rights:

National Commission on the Rights of the Child;

National Council on Gender Policy;

Consultative Inter-ethnic Council;

Consultative Inter-faith Council;

National Council on Labour and Social Issues;

National Inter-agency Council on Disability Issues;

At the Ministry of Labour and Social Protection of the Republic of Belarus, there exists the Inter-agency Commission on the Problems of Older People, Veterans and People Affected by the Consequences of Wars;

Council on the Improvement of Legislation on Labour the Social Protection;

Public Coordinative Council on Mass Media;

Public Coordinative Council on Environmental Issues;

Public Anti-Corruption Council;

Public Council at the Ministry of Internal Affairs of the Republic of Belarus;

National Committee on Bioethics;

Centre for Partnership between the State and Private Subjects

...and others.

- in the National Council on Gender Policy – only **4** members out of **32**;
- in the National Inter-agency Council on Disability Issues – only **8** members out of **23**.

The Public Anti-Corruption Council is chaired by the Prosecutor General.

Thus, the existence of a large number of specialized state-public institutions for the protection and promotion of various types of human rights **cannot compensate** for a national human rights institution complying with the Principles on the status of national institutions engaged in the promotion and protection of human rights (Paris Principles).

	These councils include representatives of civil society, which play a significant role in the process of independent monitoring.	
9	47. In 2011-2012 , the National Centre for Legislation and Legal Research has studied the opinions of interested people, including a number of public associations, on the appropriateness of creating a national human rights institution, as well as on the main agenda of such an institution. The study revealed an ambiguous attitude towards the creation of such an institution.	<u>The data of the study are already outdated and no new studies have been conducted on this issue.</u>
10	<p>53. By the Order of the President of the Republic of Belarus of November 16, 2006, No. 675 (as amended by Orders: No. 202 of May 05, 2011, No. 17 of Jan 11, 2014, No. 214 of May 25, 2015, No. 11 of Jan 10, 2018) “On the National Commission on the Rights of the Child” the composition, powers and functions of the National Commission (which was created in 1996) were significantly expanded.</p> <p>54. The National Commission consists of parliamentarians, representatives of national and local government bodies (mainly senior officials), judicial bodies, educational institutions, and NGOs. The Commission actively interacts with public associations, religious and other organizations as well as psychologists and lawyers.</p> <p>55. The Commission develops proposals for improving social policies and mechanisms to support children and strengthen families, supervises and coordinates the work of state bodies, local executive and administrative bodies and other organizations to create conditions for the realization of rights of children and protect their interests, monitors the implementation of state programmes for the support of children and families.</p> <p>57. The Commission monitors the implementation of the Convention on the Rights of the Child, considers complaints</p>	<p>Regarding the composition of the National Commission, it was already indicated that out of 34 members only 3 represents of civil society.</p> <p>The Chairman of the National Commission is the Deputy Prime Minister of the Republic of Belarus.</p> <p><u>The National Commission itself is not endowed with real powers allowing it to effectively counteract any violation of the rights or interests of the child, that is, it does not fully function as the office of the ombudsman for children's rights.</u></p> <p>According to the Regulation on the National Commission on the Rights of the Child, the Commission:</p> <p><i>3.1. supervises and analyses the activities of state bodies and other organizations responsible for ensuring the protection of the rights and legitimate interests of children, the implementation of state programmes for supporting children and families;</i></p> <p><i>3.2. submits, in the established manner, proposals for amending and improving the legislation on the protection of the rights and legal interests of children;</i></p> <p><i>3.3. requests from state bodies and other organizations information on the protection of the rights and legitimate interests of children, the implementation of state programmes for supporting children and families, as well as on the issues that are considered by courts, prosecutor's office, or other law enforcement agencies and are connected to the Commission's</i></p>

from children in a child-friendly way and, if necessary, takes steps to restore the violated rights of children. In fact, the National Commission on the Rights of the Child fulfils the functions of a children's ombudsman.

tasks and functions related to the legitimate interests of children, with the exception of the information that is not subject to disclosure in accordance with legislative acts;

3.4. at its meetings, hears information of representatives of state bodies and other organizations on the implementation of the Law of the Republic of Belarus "On the Rights of the Child", of other normative legal acts aimed at protecting the rights and legitimate interests of children, as well as of state programmes for supporting children and families;

3.5. analyses the condition of the education of children, their legal representatives, and specialists working with children in the field of protecting the rights and legitimate interests of children, and develops proposals for its development;

3.6. charges national state administration bodies, local executive and administrative bodies, in accordance with their competence, with monitoring, reviewing and preparing analytical materials and opinions on issues related to ensuring the realization of the rights and legitimate interests of children, on the situation of children and family in society, and on increasing parents' responsibility for upbringing their children;

3.7. considers appeals from minors, their legal representatives, other citizens, and public associations on the protection of the rights and legal interests of children;

3.8. notifies state bodies about shortcomings in the work of these bodies regarding the realization of the rights and legitimate interests of children, uses instruments provided by law to eliminate existing shortcomings;

3.9. through its representatives takes part in the work of state bodies when issues related to the situation of children, the realization of their rights and the protection of their legitimate interests are considered;

3.10. submits proposals to the Council of Ministers of the Republic of Belarus on the establishment of working groups with scientists

		<p><i>and specialists involved to prepare drafts of normative legal acts aimed at improving the implementation of the rights and legitimate interests of children in the country and improving their situation;</i></p> <p><i>3.11. develops international cooperation with the United Nations International Children's Emergency Fund (UNICEF) and other international organizations and foreign countries on the implementation of the <u>Convention</u> in the Republic of Belarus.</i></p> <p>Thus, the functions of the Commission boil down to hearing information at its meetings, entrusting other agencies with the implementation of monitoring, etc.</p> <p>The Commission does not consider specific cases of violations of the rights of the child, is not independent, does not have all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society), cannot take part in seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality (Paris Principles).</p>
11	121. Minor foreigners who have been granted refugee status or asylum in the Republic of Belarus are equal in their legal status to foreigners permanently residing in the Republic of Belarus, and in a number of rights [are equal] to citizens of the Republic of Belarus.	<p>According to art. 13 of the Law of the Republic of Belarus “On the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Belarus”, foreigners permanently residing in Belarus have the right to accessible medical care on an equal basis with the citizens of the Republic of Belarus, unless legislative acts and international treaties of the Republic of Belarus provide otherwise.</p> <p><u>In other words, juvenile foreigners permanently residing in the Republic of Belarus (with a residence permit) are not equal in their rights with minor citizens of the Republic of Belarus. In part, they do not enjoy the right to accessible and free medical care.</u></p>
12	144. The Law on Citizenship contains safeguards to prevent statelessness. One of the principles of the Belarusian legislation on citizenship is to prevent cases of statelessness. According to	<p>However, the Law “On Citizenship of the Republic of Belarus” allows for cases when a child born in the Republic of Belarus is not granted the status of a citizen, even if it means that he/she becomes stateless. This may happen if</p>

	<p>article 20 of this Law, one of the reasons for refusing to terminate Belarusian citizenship is the absence of another states's citizenship or guarantees of its acquisition.</p>	<p>none of the parents of the child is a citizen of the Republic of Belarus and at the same time the parents (or the only parent) do not live permanently in Belarus. Also, the Belarusian legislation does contain a rule according to which, in order to resolve issues of a child's citizenship, the space of ships flying the flag of Belarus or that of aircrafts registered in Belarus are equated with the territory of the Republic of Belarus.</p>
13	<p>172. Persons who have become aware of instances of ill-treatment, physical and (or) mental abuse against a child, which pose a threat to his/her life, health and development, are obliged immediately to inform the appropriate state authority.</p>	<p>Such a duty (under the threat of criminal responsibility) exists only if there is a direct threat to the life of the child or a threat of inflicting on him/her severe bodily injuries.</p> <p>If an abuse neither directly endangers the life of a child, nor threatens to cause severe bodily injury, there is no obligation to report on it.</p> <p><u>In other words, if someone has become aware of an abuse against a child that may result in less severe bodily injury, then this is up to that person whether they report on it or not, as there are no consequences for the failure to report.</u></p>
14	<p>173. The legal framework for the protection of children from domestic violence is being improved. In particular, in accordance with the plan for the preparation of bills for 2018 (approved by Order of the President of the Republic of Belarus of January 10, 2018, No. 9), the preparation of the concept of the bill "On the Prevention of Domestic Violence" has begun. The bill prohibits the use of any forms of violence, including that against children.</p>	<p>The bill was rejected.</p>
15	<p>185. The most remarkable example of a positive cooperation is the implementation of the initiative "A Child-Friendly City", joined by 25 Belarusian cities.</p>	<p>However, it is not possible to consider these cities as really child-friendly. For example, Orsha joined this initiative, but the social shelter in the city does not meet basic sanitary standards. The rights of children in the social shelter are violated.</p> <p>There are no country camps for the children of Orsha, children's recovery places (round-the-clock stay) are carried out on the basis of schools, which do not meet the sanitary standards of Belarus.</p> <p>These problems are relevant not only to Orsha, but they are ubiquitous in Belarus.</p>

16	<p>Family environment. 189 [To achieve this goal], socio-economic conditions are being created. Providing support begins with the birth of a child and even earlier (comprehensive free medical examination, payment of benefits for pregnancy and childbirth, the possibility of social leave). A parental leave is granted to care for a child up to the age of 3 years with the preservation of the workplace and payment of benefits in the amount of 35-40% of the average monthly salary of employees for the entire period of leave (regardless of insurance contributions and income of parents).</p>	<p>The legislation on labour provides for the possibility of a paternity leave to care for a child if the mother has a disease preventing her from taking care of the child. There is no list of such diseases. Nor is there a criterion for deciding whether the given disease is relevant or not. It is impossible to implement this provision of the Labour Code. However, if the mother suffers from, for example, mental retardation, thereby failing appropriately to care for the child while the father is at work, the child can be removed from the family. The status of “being in a socially dangerous situation” will be assigned to the child immediately.</p>
17	<p>191. The number of divorces is gradually decreasing. In 2017, 32,000 marriages were terminated (in 2008 this number was 36,700). Out of these 32,000, 13,600 were childless marriages.</p>	<p>The National Statistical Committee of Belarus has published data reflecting the situation of families in the country.</p> <p>According to them, in 2017, the ratio of marriages to divorces was 66,005 : 32,006, that is one divorce per two marriages.</p> <p>Among them, 13,310 marriages with one child fell apart, and 5,124 – with two or more children. There are as many as 24,435 children bereft of one of the parents because of divorces.</p> <p>The Report compares the rate of divorces in 2017 to that in 2008. However, in 2008 there were 12,000 more marriages than in 2017. Therefore, there are no grounds to claim that the number of divorces is decreasing.</p>
18	<p>192. The proportion of children born out of wedlock is decreasing. In 2010 the share of such children was 19.6%, but in 2017 it reduced to 13.2% of the total number of births. There is a tendency for “single motherhood” to shrink. According to the Supreme Court, over the period from 2010 to 2014 courts considered 8,500 paternity suits, and 80% of them were satisfied.</p>	<p>In 2017, 13,518 children were born to mothers who were not married.</p> <p>In 2010, out of 108,050 children 21,177 (19.6%) were born out of wedlock.</p> <p>In 2011, out of 109,147 children 20 734 (19%) were born out of wedlock.</p> <p>In 2015, out of 119,028 children 16,500 (13.9%) were born out of wedlock.</p> <p>In 2016, out of 117,779 children 15,600 (13.1%) were born out of wedlock.</p>

		<p>In 2017, out of 102,556 children 13,518 (13.1%) were born out of wedlock.</p> <p>In recent years, the total number of children born out of wedlock has been declining against the background of a general decline in the birth rate. Which means that since 2015 there has been practically <u>no tendency</u> for “single motherhood” to reduce.</p>
19	<p>198. The implementation of the norms of the Decree of the President of the Republic of Belarus of November 24, 2006 No. 18 “On Supplementary Measures for State Protection of Children in Dysfunctional Families” has a pronouncedly preventive character. Each year, more than 27,000 children, who, according to the legislation, are considered to be in a socially dangerous situation, are covered with measures aimed at preventing the deprivation of parental care and being taken away from parents. With regard to these children, state bodies and organizations work towards preserving their families, helping parents to get employed, offering medical care, and establishing parent-child relationships.</p>	<p>Due to the fact that the Decree does not specify the grounds for taking children away from their parents, there have been many cases when children's removal occurred because of a debt for utility payments, parents' unemployment, illness, low income (low salaries). Sometimes children were removed for political reasons or in connection with professional activities of their parents. There were cases of suicides of mothers whose children were taken away or who were threatened with being deprived of children. There were also cases when mothers killed their children out of fear of the removal of the children.</p> <p><u>Thus, the Decree does not have a preventive character; its punitive character is evident. At present, the Decree is used as an instrument of pressure on families.</u></p>
20	<p>199. No more than 10% of the total number of the children recognized to be in a socially dangerous situation and in need for state protection are taken away from their parents.</p>	<p>According to a study conducted by the CASE Belarus Center for Social and Economic Research “Enhancing Contribution to Evidence-Based Policy Making for Vulnerable Groups), approximately 1/3 of children registered at SOP offices are then temporarily removed from families as needing state protection.</p> <p>About 6% of children registered at SOP offices are given the orphan's status.</p>
21	<p>201. The measure of the temporary removal of children from their parents is used to prevent the unjustified deprivation of parental rights.</p>	<p>Due to the absence of genuine assistance to the families whose children have been taken away, the measure in question becomes <u>punitive</u>. In addition, due to the fact that a tax of up to 70% of parents' salaries is deduced to finance the maintenance of children in state institutions, families often find themselves in financial distress. In such conditions hardly can parents get their children back.</p>
22	<p>207. If parents have changed their lifestyles and attitudes towards upbringing a child, they can restore their</p>	<p>In 2017, courts considered <u>2,880</u> cases on the deprivation of parental rights. Below are the numbers of the parents deprived of parental rights</p>

	<p>parental rights. Over the past 7 years, 1,503 parents have been restored to parental rights, of which 153 in 2017 (157 in 2016, 180 in 2014, 221 in 2014, 243 in 2013, 288 in 2012, and 261 in 2011).</p>	<p>in 2017 and 2016: In 2017: 3,072 parents (1,176 mothers and 1,896 fathers). In 2016: 3,014 parents (1,229 mothers and 1,785 fathers). Among those deprived of parental rights in 2017: under the age of 20 years – 35 parents, 21-25-year-olds – 191 parents, 26-30-year-olds – 567, 31-35-year-olds - 770, 36-40-year-olds – 780, 41+ – 729. The number of the children whose parents were deprived of their rights in 2017: one-year-olds or younger – 287, 2-3-year-olds – 486, 4-6-year-olds – 641, 7-10-year-olds – 851, 11-13-year-olds – 564, 14-17-year-olds – 702. In 2017, courts considered 272 cases on the restoration of parental rights. 169 people were restored in their parental rights.</p>
23	<p>213. In order to meet the needs of children deprived of the care of their own family, a network of family-type orphanages has been created.</p> <p>The following may be mentioned as incentive measures encouraging citizens (married couples with a positive experience in raising children and having undergone a training provided by law) to undertake work as a parent-educator in an orphanage:</p> <ul style="list-style-type: none"> - for each family-type orphanage (the family who assumes 5 to 10 children), 1.5 times the full work rate of parents-educators is provided, which allows both parents to be officially employed; - the vacation leave of 56 calendar days is provided for parents-educators, who are equated with educators constantly caring for children of different ages; - the level of remuneration of a parent-educator is by law equated with that of a teacher and educator having the second qualification category; - special residential premises of family-type orphanages are fully maintained at the expense of local budgets; parents- 	<p>At the same time, the legislation regulating the activities of family-type orphanages is extremely imperfect, contradictory. To regulate the process of the creation and functioning of family-type orphanages, the provisions of two different branches of law — that on family and on labour — are applied. But the provisions of the two branches are often incompatible, which in no way contributes to the development of such a form of family organization.</p> <p>What is presented as a bonus for parents-educators – a labour leave – is actually the other way around.</p> <p>There is no possibility to arrange a temporary care for children for the time of a vacation leave. It is not taken into account that the parent-educator is a legitimate representative of these children and is responsible for them even while on vacation (the collision of different branches of law).</p> <p>There is a problem with living quarters. Because of the imperfection of the law, neither parents-educators, nor underage pupils can indicate the special residential premises to get registered (there is no provision for signing a contract with</p>

	educators are exempted from paying utility bills.	parents-educators on renting living quarters). This problem has existed for a long time, but has not yet been eliminated.
24	235. In accordance with the Law, the existing measures of individual prevention of offences have been supplemented by a new measure – issuing a protective prescription that consists in imposing restrictions on certain actions on the citizen who has committed domestic violence.	If it becomes known about domestic violence, the children are immediately given the status of being in a socially dangerous situation, which means a pending threat of removal from the family. Thence, mothers having underage children usually choose not to report on domestic violence.
25	294. In accordance with article 5 of the Law of the Republic of Belarus of June 18, 1993 “On Health Care”, it is determined that foreign citizens and stateless persons permanently residing in Belarus have the right to accessible medical care on an equal basis with Belarusian citizens, unless the national legislation or international treaties provide otherwise.	As already indicated in paragraph 11 (according to art. 13 of the Law of the Republic of Belarus “On the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Belarus”), foreigners permanently residing in Belarus have the right to accessible medical care on an equal basis with the citizens of the Republic of Belarus, unless legislative acts and international treaties of the Republic of Belarus provide otherwise. <u>In other words, juvenile foreigners permanently residing in the Republic of Belarus (with a residence permit) are not equal in their rights with minor citizens of the Republic of Belarus. In part, they do not enjoy the right to accessible and free medical care.</u>
26	336. In order to predict suicidal activity among educatees, specialists of the social-pedagogical and psychological agencies acting within educational institutions annually conduct a survey aimed at identifying educatees with an increased risk of suicidality.	Not all schools employ psychologists. Therefore, not all educational institutions deal with the problem of suicides appropriately. But even when they do, very often their work is formal and bureaucratic.
27	341. Multi-children families are entitled to various types of state support. They are provided with additional social guarantees and benefits in the sphere of housing-and-credit policy, labour, tax, and retirement legislation, in education services for their children, the payment for utility bills etc. 1. 347. The government policy on social protection is aimed at preventing the risks of poverty among households where children are raised.	According to Belstat, in January-June 2018, 4% of Belarusian families lived below the poverty line. Among families with underage children, 8.3% were low-income; among childless ones – 1.9%. The highest percentage of low-income families was in Gomel region (5.6%) and Brest region (5.5%). A total of 5.7% of the Belarusian population lives below the poverty line. The average for disposable resources of these people is below the subsistence budget of 214 rubles, or \$ 100.