

REPORT
On implementation of UN Convention on
Child Rights
in the Republic of Belarus

Families and children rights working subgroup of the
Belarusian National Platform of the
Eastern Partnership Civil Society Forum

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Report has been prepared by the working subgroup on the Rights of Family and the Child BNP CSF Eastern Partnership according to monitoring results on the Rights of the Child situation in Belarus in 2016-2019 years.

The working subgroup was created under BNP CSF Eastern Partnership with the view of assistance to government agencies and other authorities on Convention of the Rights of the Child implementation. Other objectives of the working subgroup are improving families' and children's situation in Belarus through enhanced parents' mutual assistance and including them in public dialogue. The working subgroup monitors the legislation and the implementation practice to provide the benefits for the families and children, organizes social surveys and public discussions, informs the public about the ways to improve the situation of the families and children.

The working group consists of experts of Belarus non-government organizations --- human-rights, social and trade unions.

1. Best interests of the child

1.1) Violations of the Convention revealed in 2016-2019 are much related to the absence of the term definition 'best interests of the child' in the legislation of Belarus (a.3, p.1, p.21, p.18 p.1 of the Convention).

1.2) The opinions of children are rarely taken into account when making decisions directly affecting their rights and interests. Children are not given opportunities to express themselves in cases involving the withdrawal of parental rights and taking children out of their families (violation of the a.5 p.2 of the Convention). Children's Services insufficiently take interests of the child into account. For instance, they can take an infant from a breastfeeding mother (Zoja Kananovic's case <https://mihck.info/node/746>). Generally a child is not considered as a subject of rights (having their own interests), but as an object of protection by the state.

1.3) Extrajudicial separation of children from parents

Each year in Belarus 2700-4500 children are taken from their families. Moreover, since 2006, a system has been operating in which children are taken without trial, by decision of the local administration (violation of the a.9 p.1 of the Convention).

1.4) The legislation does not establish liability for violation of the Convention. This allows officials to ignore the rights and interests of children.

1.5) Suicides and mortality after separation of children. In February 2019 two mothers Volha Sielivanava and Tacciana Bousys who had many children after being separated from their children took their own lives. <https://mihck.info/node/960>

Recommendations:

- 1) Express the definition of the term 'best interests of the child' in legislation.
- 2) Establish the procedure for the opinion of a child to be clarified in matters that affect their rights and interests.
- 3) A committee responsible for this should include not only state administration representatives, but other parties concerned - parent groups' representatives, NGOs, labour unions and religious organisations (a.9 p.2 of the Convention).
- 4) Determine the responsibility of officials for the violation of the Convention.

2. National Action Plan

The Government of the Republic of Belarus is implementing national action plans for the improvement of the situation of children, but most commonly they don't contain any progress indicators.

Recommendations:

- 1) When compiling national action plans set specific goals and timelines, as well as criteria and indicators for their achievement.

3. Independent monitoring

Belarus has a National Commission on the Rights of the Child, however it is not an independent body, but is a part of the state apparatus.

The reception of the National Commission on the Rights of the Child is based on the 'National Center for the Arts of Children and Youth'. Visiting hours are only 3 hours a month. This National Commission doesn't even have its own website, thus it is practically impossible to find any information regarding the results of its work.

Recommendations:

Establish an independent body empowered to monitor the situation, to consider and decide on complaints and requests. In accordance with article 9 paragraph 2 of the Convention its work should be carried out by not only state apparatus representatives, but parent groups' representatives, NGOs, labour unions and religious organisations as well.

4. Standard of Living (a.27 of the Convention)

4.1) Families with children under 3 years old are eligible for government benefits (at the subsistence level). There are also payments to mothers for pregnancy and childbirth, housing allowances and other forms of state support, including supporting families with many children. At the same time, there are no allowances for children over 3 years of age, therefore large families often live in poverty. According to the results of the research conducted by the working subgroup on the rights of families and children (2017), 59.8% of parents with many children are uncertain about the future, 60.6% have a need for money.

4.2) Funds allocated for the maintenance of an orphan also barely exceed the subsistence line.

5. Fees in schools

School education in Belarus is free. At the same time, parents of schoolchildren have to pay for the renovation of classrooms, for drinking water for children, detergents, etc., as well as for the use of textbooks. The amount of fees is on average 100-150 rubles for each student per year (in some schools - up to 250 rubles per year).

Recommendations:

1) Cancel parental fees in public schools. Repair of school premises and other expenses must be paid from the budget.

6. Raising awareness of the principles of the Convention and publicizing reports (a.42, a.44 p.6 of the Convention)

Information on the situation of children's rights in Belarus is not published in the public domain. In particular there are problems with the publication of periodic reports and comments on them. We could not find the the reports on any official website of government agencies.

According to the results of the survey (2017), 51.9% of parents with many children have never heard that Belarus is implementing the National Action Plan to improve the situation of children and protect their rights.

Recommendations:

1) Publish on the websites of government agencies and the state news media the texts of periodic reports and comments thereon, as well as inform the public how the identified shortcomings are eliminated.

7. Problems of interaction between the state administration and other parties concerned (violation of the a.9 p.2 of the Convention)

7.1) Inter-institutional commissions that handle cases of children in a socially vulnerable situation are fully composed of employees of the state administration. Representatives of NGOs and other parties concerned are not allowed to be part of the commissions (violation of a.9, p.2 of the Convention). Because of this, one-sided decisions are often made and acute issues cannot be resolved.

7.2) The practice of preventing the registration of NGOs continues. In 2018, the social and human rights institution "Office for the Rights of the Family and Children" failed to undergo state registration. The difficulty arose at the stage of approval of the organization name. Of the dozen proposed options, the Minsk City Executive Committee did not approve a single one. The official version was - the title was said not to be indicating the nature of the organization's activities.

Recommendations:

1) Legislate on the right of NGOs, labour unions, religious communities to appoint their representatives to commissions that take decisions regarding families and children.

2) To establish the responsibility of officials for unjustified refusals in the process of registration of NGOs.

8. The rights of religious minorities (a.14, a.20 p.3, a.30 of the Convention)

Children's services do not take into account the religious affiliation of orphans when placing them in foster families. For example, in the Orša district, an orphan child from an evangelical family Siarhiey Paciomkin was placed in a family of practicing atheists, where he was persecuted for his faith, prayers and reading sacred texts. The district education department was informed about this, but took no action. The local administration also refused to allow the religious communities of Orša to include their representatives in the commission investigating this conflict.

(<https://mihck.info/node/746>) (violation of the a.14, a.20 p.3, a.30 and a.9 p.2 of the Convention)

As the Deputy Minister of Education V.A. Bohuš explains, when placing orphans with foster families, the religion of neither children nor parents is taken into account.

Recommendations:

- 1) When placing orphans in foster families, imperatively take their religious affiliation into account.
- 2) Include representatives of religious communities in commissions that handle religious conflicts.

9. The right to a family environment

There is the so-called “territorial principle” in Belarus when placing orphans in families. Children can be placed in a family only in the administrative district where their orphanage is located. However, in some areas there are many orphans, in other areas there are many potential parents. This principle led to the fact that in some areas parents could not find foster children, in others - children could not find parents.

Recommendations:

- 1) To abolish the “territorial principle” when placing orphans in families. Allow parents to take children from any region into their families, regardless of their “territorial affiliation”.

10. Problems of children with autism

About 700 children with autism are identified annually in Belarus. Specialists from the Center for Corrective Development Education and Rehabilitation believe that actually there are 10-20 times more of them. Families face problems in establishing a disability group, obtaining health certificates, undergoing medical commission checkups and other bureaucratic obstacles. According to the interregional charitable foundation “Children. Autism. Parents” in Belarus there is not a single doctor who is a specialist in autism. Several doctors attended training seminars abroad, but they cannot be called autism specialists. Belarusian medicine knows little about the causes of autism and how autistic kids adapt.

In the classification of diseases, there is no "autism" disease in adults, therefore, at the age of 18, the diagnosis is automatically removed or changed.

11. Separation of children from parents for health reasons

In Belarus there is the so-called. "A list of diseases whereby parents cannot carry out parental responsibilities". Local administrations use this list to take children from parents with disabilities.

On February 1, 2019, a set of amendments to the Marriage and Family Code came into effect. The amendments do not solve the problem of taking children from parents with disabilities.

For example, local administrations have access to medical records which means to patient confidentiality (and medical workers disclose patient confidentiality). Administration on the basis of medical information can initiate the process of taking away the child. At the same time, the citizens cannot get a medical assessment report stating that they have a disease that impedes carrying out parental responsibilities. It is impossible to obtain a medical assessment report stating that the patient is suffering from such a disease, and it is impossible to obtain a report that they are not.

As an example - the case of Natallia Michadziuk from Orša
<https://mihck.info/node/961>.

12. Access to legal information

In Belarus, there are no up to date texts of regulatory legal acts in the public domain. On the state legal websites pravo.by and etalonline.by, legislative acts (including laws, decrees and presidential decrees, government decrees) are available only by paid subscription (free access only to the texts of the Constitution and codes).

Recommendations:

1) Cancel the fee for access to regulatory legal acts. Publish all laws, decrees, departmental regulations and decisions of local administrations up-to-date in the public domain on the state legal internet portal.

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