



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Consideration of reports submitted by States
parties under article 19 of the Convention
pursuant to the optional reporting procedure**

Fifth periodic reports of States parties due in 2015

Belarus^{*,}**

[Date received: 9 December 2015]

* The fourth periodic report of Belarus is contained in document CAT/C/BLR/4; it was considered by the Committee at its 1036th and 1039th meetings, held on 11 and 14 November 2011 (see CAT/C/SR.1036 and 1039). For its consideration, see the Committee's concluding observations (CAT/C/BLR/CO/4).

** The present document is being issued without formal editing.

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Introduction

1. This report, submitted under article 19 (1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, has been drawn up in accordance with the optional procedure, under which the replies of the State party to the list of issues prepared by the Committee constitute the periodic report. The list of issues for Belarus is contained in document CAT/C/BLR/QPR/5.

Articles 1 and 4

2. In accordance with the Act of 5 January 2015 amending the Criminal Code, the Code of Criminal Procedure, the Penalties Enforcement Code, the Code of Administrative Offences and the Code of Administrative Procedure and Enforcement, article 128 of the Criminal Code has been amended to include a definition of “torture”, as follows:

“Torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as coercing that person or a third person to act against his or her will, including in order to obtain information or a confession, punishing him or her or for other purposes or any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official acting in an official capacity or using his or her official powers. This definition does not include pain or suffering arising from the application of procedural or other measures of legal coercion.

3. Currently, offences related to the use of torture and other cruel, inhuman or degrading treatment or punishment are punishable under articles 128 (Crimes against the security of humankind) and 394 (Compulsion to testify) of the Criminal Code.

4. Offences under article 128 of the Criminal Code are punishable by deprivation of liberty for a period of 7 to 25 years, or life imprisonment or the death penalty; under article 394 (1) of the Code, by deprivation of the right to hold certain offices or take up certain occupations, or restriction of liberty for up to 3 years, or deprivation of liberty for the same period, with or without deprivation of the right to hold certain offices or take up certain occupations; under article 394 (2) of the Code, by deprivation of liberty for a period of 2 to 7 years, with or without deprivation of the right to hold certain offices or take up certain occupations; and, under article 394 (3), by deprivation of liberty for a period of 3 to 10 years, with or without deprivation of the right to hold certain offices or take up certain occupations.

5. In accordance with article 85 of the Criminal Code, no exemption from criminal responsibility or punishment in connection with a statute of limitations applies to the offences covered under article 128 of the Code.

6. Under article 83 (5) of the Code, it is for the courts to decide whether to apply a statute of limitations to a person who has committed an offence that is punishable by life imprisonment or the death penalty. If the courts find that such a person cannot be exempted from criminal responsibility because the statute of limitations has expired, neither the death penalty nor life imprisonment may be imposed, and a custodial sentence is to be handed down.

Article 2

7. All communications and complaints concerning misconduct committed against citizens are carefully reviewed and investigated.

8. Prisoners and persons taken into custody who report abuse are given protection and their complaints, treated with the utmost confidentiality, are investigated by units of the internal affairs agencies of Minsk, provincial departments and the Ministry of Internal Affairs, including its internal investigations service, and by the procuratorial authorities.

9. In the event that a violation is identified, offenders are prosecuted in accordance with the law.

10. In accordance with article 20 (4) of the Code of Criminal Procedure, “everyone shall have the right during criminal proceedings to legal assistance for the exercise and protection of rights and freedoms, including the right to make use of the assistance of a lawyer and other representatives, in the manner prescribed by this Code.

11. Article 41 (Rights and obligations of the suspect) provides that suspects have the right of defence. The criminal prosecution body is required to give the suspect the opportunity to exercise his or her right of defence by all legitimate means. In accordance with article 41 (2), suspects have the right:

- To receive, in the event of detention or a preventive measure in the form of remand in custody, free legal advice from a lawyer funded from local budgets before the beginning of their first examination as a suspect;
- To have one or several defence lawyers from the moment they have been informed by the criminal prosecution body that criminal proceedings have been instituted against them, that they are a suspect, that they are being detained or that a preventive measure is being imposed on them; to waive counsel and conduct the defence by themselves; to terminate the lawyer-client relationship;
- To communicate with their lawyer without hindrance, in private and in confidence, with no restriction on the number and duration of interviews;
- To be questioned, upon request, in the presence of a lawyer no later than 24 hours from the time of the actual detention.

12. In accordance with article 115 of the Code of Criminal Procedure, within 12 hours of the actual arrest, the body conducting the criminal proceedings and detaining the person must notify an adult member of the detainee’s family or a close relative, or must allow the detainee to do so.

13. Paragraph 3 (a): Under article 206 (3) of the Code of Criminal Procedure, examinations may be conducted with the participation of a doctor or a specialist, if necessary.

14. Paragraph 3 (b): In 2014, the Penal Enforcement Department of the Ministry of Internal Affairs recorded and reviewed 96 communications from citizens concerning unlawful acts by officers of agencies and institutions of the penal enforcement system and secure substance abuse recovery clinics. Between 2011 and 2014, procuratorial authorities considered 158 complaints of abuse of prisoners and persons remanded in custody (67 in 2011, 35 in 2012, 37 in 2013 and 19 in 2014). The cases were dismissed. From 2012 to 2014, the courts heard 15 cases involving complaints by persons remanded in custody, persons deprived of liberty, persons sentenced to life imprisonment and persons held in custody concerning the penalties imposed on them and complaints of persons in administrative detention concerning the types of disciplinary action taken against them. The complaints were not substantiated.

15. Paragraph 3 (c): In 2011, 675 applications were filed with the courts for preventive measures to be modified (44 of which were granted), 485 in 2012 (22 granted), 582 in 2013 (32 granted), 716 in 2014 (29 granted) and 429 in the first half of 2015 (19 granted).
16. There have been no cases since 2011 in which government officials have been subject to disciplinary or criminal penalties for failing to provide fundamental legal safeguards to detained persons.
17. In 2012, one complaint of deliberately unlawful detention or holding in custody was filed with the procuratorial bodies and was referred to another body for consideration. In 2013, a similar complaint was brought and it was decided not to bring criminal proceedings for lack of evidence. No such complaints were filed in 2014.
18. Paragraph 3 (d): Under article 192 (3) of the Code of Criminal Procedure (General rules for investigative proceedings), restraining devices may be used during investigations.
19. Under article 193 (2) and (4) of the Code of Criminal Procedure, stenography, filming and sound or video recording may be used to ensure that the record is complete; the stenographic report, film footage or sound or video recordings are to be kept during the criminal proceedings; if use is made during the investigation of scientific and technological tools and techniques (such as photographing, filming, sound or video recording, casting or taking of impressions of trace evidence, or drawing up of sketches, diagrams or maps) to gather and verify evidence of a crime, the tools and techniques are to be indicated in the record along with the conditions and procedure for their use, the objects to which they were applied and the results achieved. Furthermore, it must be mentioned in the record that, before using such tools and techniques, the persons involved in the investigative proceedings were informed about this.
20. Under the Act on the Detention Procedures and Conditions Act of 16 June 2003, no provision is made for providing interrogation rooms with audio or video recording equipment.
21. However, a video surveillance system has been set up in every specialized institution of the internal affairs agencies for monitoring the conduct of the persons detained in them, which makes it possible to prevent offences from taking place by them and at the same time to detect any decline in their state of health and provide the necessary care.
22. Furthermore, the video surveillance system is capable of storing video recordings for a rather long period of time, which is an additional guarantee intended to preclude abuse on the part of officials or staff of the special facilities. With this in view, the duties of officials of the internal affairs agencies carrying out inspections of temporary holding facilities and detention centres for offenders include random viewing of such recordings and, if complaints against the staff have been lodged by citizens, an extensive review of the recordings.
23. Paragraph 3 (e): All persons are detained in remand centres of the State Security Committee (KGB) in accordance with the procedures and conditions established by law.
24. When being held in a temporary holding facility or detention centre for offenders, every detainee is provided with full information concerning the rules for the treatment of prisoners of the detainee's category, security requirements and the means of obtaining information and bringing complaints so that the detainee may understand his or her rights and obligations and adapt to the living conditions in the detention facility.
25. Since 2011, no person suspected, accused or convicted of committing a crime under article 293 of the Criminal Code has been held in a KGB remand centre.

26. The Office of the Procurator General considered the communication of defence counsel, Mr. M.O. Kavaleuski, alleging being wrongfully denied permission to meet with convicted prisoner, Mr. A.O. Sannikov.

27. It has been established that, on his request, Mr. Sannikov was transferred to a safe place for his personal safety. Furthermore, Mr. Sannikov did not indicate to the administration of penal colony No. 3 or the Office of the Procurator General the source of the threat to his life and health. The penal colony administration was thus required to conduct an inquiry into all possible threats. Denying a visit between Mr. Sannikov and his lawyer while he was in a safe place before completion of the inquiry was warranted and did not conflict with the law.

28. Mr. Sannikov was held in a KGB remand centre. The Office of the Procurator General carried out monthly visits to ensure that the conditions of detention of persons in custody in the KGB remand centre were in compliance with the law. During the visits, the documents of the accused were reviewed, including medical records, and rounds were made to the cells, at which time all detainees were informed about the mechanism for complaints concerning conditions of detention or violations of their rights by the administration of the centre.

29. The Office of the Procurator General did not receive any complaints from Mr. Sannikov or Mr. V.P. Nyaklyayeu concerning the procedure and conditions of detention.

30. The Office of the Procurator General assigned the Office of the Military Procurator to look into the communication received on 19 May 2011 from the chair of the Belarusian Helsinki Committee, Mr. O.N. Gulaka, regarding alleged unlawful acts of KGB officers against Mr. Sannikov. No evidence was found to support the allegations. It was thus decided not to institute criminal proceedings.

31. The Office of the Procurator General examined Mr. Nyaklyayeu's complaints about injuries inflicted on him. A preliminary inquiry into this allegation was carried out. An investigation was also conducted in accordance with article 174 of the Code of Criminal Procedure and criminal proceedings were dropped on the grounds provided for under article 29 (1) (2) of the Code (lack of evidence that a crime had been committed).

32. A record of persons in special institutions is kept in a register of such persons and information about a specific person may be requested by both the competent State bodies and family members and lawyers.

33. In accordance with Council of Ministers decision No. 909 of 20 July 2006, the regulations governing the Unified State Offences Registration and Record-Keeping System were approved, in which, inter alia, information on detainees (involved in criminal proceedings) are entered and stored or on persons who have been detained (with corresponding boxes of the registration card of form 1-L completed).

34. State security officers carry official identity cards when they are on duty and present them when they exercise their authority. There is no provision under the law for State security officers to have a badge.

35. A model badge with an identification number of the officer of the internal affairs agencies was established under Ministry of Internal Affairs Order No. 513 of 29 November 2013. According to the Order, the badge may be worn on the officer's uniform in the matter prescribed by the regulatory acts of the Ministry of Internal Affairs that set forth the rules for wearing an officer's uniform.

36. All officers of the internal affairs agencies are provided with uniforms and badges with their identification numbers.

37. With a view to protecting the rights of convicted persons and persons in custody and preventing acts of torture and cruel or inhuman treatment, the Office of the Procurator General carries out inspections of places of detention and correctional facilities, has set up helplines, regularly holds private interviews with convicted persons and persons in custody, meets with former prisoners to obtain information from them about allegations of torture and violence while they were in custody or were serving their sentence and analyses the causes of bodily injuries to inmates in remand centres and prisons. When warranted, acts of procuratorial supervision are introduced.

38. In 2014, the procuratorial agencies carried out 1,555 inspections of institutions of the penal correction system, which resulted in the introduction of 522 acts of procuratorial supervision. A total of 166 internal affairs officers were brought to justice for breaking the law.

39. Presidential Decree No. 6 of 29 November 2013 on Improving the Judicial System of the Republic of Belarus was adopted for the purpose of enhancing the independence of the judicial system, ensuring consistency of judicial practice, promoting the specialization of courts and improving the quality of the administration of justice.

40. The independence of judges is ensured by the procedure prescribed by law for their appointment, suspension and removal from office, their personal immunity, the procedure for hearings and consideration of cases, professional secrecy with regard to their deliberations and a prohibition on requests for disclosure of information on them, liability for contempt of court or interference in the court's activities and other guarantees of a judge's status and the requisite organizational and technical conditions for the work of the courts. Interference in judges' administration of justice is prohibited and is subject to criminal punishment.

41. The principle of independence of judges is developed in articles 60 and 110 of the Constitution, article 85 of the Code on the Judicial System and the Status of Judges and in procedural law (article 22 of the Code of Criminal Procedure, article 2.13 of the Code of Administrative Procedure and Enforcement, article 11 of the Code of Civil Procedure and article 12 of the Code of Economic Procedure).

42. Judges hold public office, are civil servants and are covered by the Civil Service Act of 14 June 2003. The form, system and amount of pay for public servants and persons with equivalent status are established by law.

43. Under article 99 (4) of the Code on the Judicial System and the Status of Judges, judges are appointed for a five-year term and may be appointed for further terms or for an indefinite period. When appointing a judge for a five-year term, the presiding officer of the court or his or her deputy or judge of another court is to determine at the same time, within his or her term in office, whether to appoint a judge for a five-year term or an indefinite period.

44. Judges serve until they reach the retirement age in the public service (65 years), and the presiding officer, deputy presiding officer and judges of the Supreme Court, the presiding officers of the provincial courts and Minsk City Court and the presiding officers of the provincial economic courts and Minsk City Economic Court, with their consent, may be kept in public service after they have reached the retirement age by decision of the President on account of the demand by the State for their expertise, knowledge and skills, and practical work experience.

45. The disbarment of the following persons was carried out by decision of the Ministry of Justice of 14 February 2011 in accordance with the Bar Act and paragraphs 82, 83, 107 and 110 of the Regulations on Licensing of Certain Professions, approved by Presidential Decree No. 450 of 1 September 2010 on the Licensing of Certain Professions:

- Mr. A.V. Aheyev and Ms. T.N. Aheyeva, for serious irregularities in the execution of agreements on legal assistance and obstruction of the licensing authority's efforts to monitor compliance with the law, consisting in submitting false information;
- Mr. V.I. Toustsik and Ms. T.P. Harayeva, for gross violations of the law on licensing, consisting in refusing to represent Ms. I.K. Khalip.

46. Mr. Aheyev, Ms. Aheyeva, Mr. Toustsik and Ms. Harayeva were disbarred by the Minsk City Bar Association by decision of the presidency of the Minsk City Bar Association, No. 11/2011 of 6 April 2011 in connection with the termination of the license to practice law.

47. By decision of the presidency of the Bar Association, No. 8/2011 of 3 March 2011, Mr. Sapelka was expelled from the Minsk City Bar Association for conduct unbecoming a lawyer, consisting in unauthorized leave, despite the fact that he had been denied such leave by the governing body for the legal profession, prolonged absence from work, failure to provide information about his whereabouts, failure to respond to the summons of the body leading the criminal proceedings for the protection of the rights and legitimate interests of the accused, lack of agreement with the defendant concerning his absence and failure to transfer the client file to another lawyer with the client's consent, i.e. the refusal, in practice, to carry out professional duties.

48. By decision of the presidency of the Minsk City Bar Association, No. 23/2011 of 4 October 2011, Ms. Harayeva was admitted to the bar on 10 October 2011 and has been practising law at legal clinic No. 2 in the Soviet district of Minsk to this day.

49. In accordance with article 20 of the Laws and Regulations of the Republic of Belarus Act, Belarus recognizes the primacy of the universally recognized principles of international law and ensures that its laws comply with those principles. The rules of law contained in the international treaties to which Belarus is a party form part of domestic legislation; are directly applicable, except where it is specified in an international treaty that such application requires the adoption (promulgation) of a domestic legal act; and are supported by the legal act whereby Belarus expresses its consent to be bound by the international treaty concerned.

50. Such provisions are also reflected in the criminal procedural law. For example, article 1 (4) of the Code of Criminal Procedure provides that international treaties to which Belarus is a party that define rights and freedoms of individuals and citizens are to apply in criminal proceedings equally with the Code. According to article 1 (3) of the Criminal Code, the Code is based on the Constitution and the universally recognized principles and standards of international law. According to article 3 (3) of the Code of Criminal Procedure, Belarusian criminal and penal enforcement legislation and its application in practice are based on strict observance of the guarantees of protection against torture, violence and other cruel or degrading treatment of convicted persons, in accordance with the Constitution and the principles and standards of international law.

51. Procuratorial officials and judges attend regular and comprehensive staff development courses, including on issues involving the application of the provisions of international agreements to which Belarus has acceded, at the Belarusian State University Institute for Further and Advanced Training for Judges, Prosecutors and other Judicial Officers.

52. Acts are categorized under a given article or articles of the Criminal Code based on the particular circumstances of the case. The practice of the court hearings of cases involving murder, assault with intent to do grievous bodily harm, offences against sexual inviolability or sexual freedom and other types of crimes are set out in the decisions of the plenum of the Supreme Court (for example, decision No. 7 of 27 September 2012 on

judicial practice in cases of offences against sexual inviolability or sexual freedom (Criminal Code, arts. 166-170)).

53. The Principles of Crime Prevention Act of 4 January 2014 provides for a number of measures to combat domestic violence. For example, there is a provision for an injunction as a personal protection measure to be issued against a citizen who has committed an act of domestic violence, which consists in restricting the person from taking certain actions. By decision of the Council of Ministers, No. 353 of 14 April 2014, the regulations governing the procedures for providing citizens against whom an injunction has been issued with a temporary place of residence were approved.

54. The issuance of injunctions is a personal protection measure that consists in establishing that a citizen has committed an act of domestic violence and restricting him from taking certain actions. The injunction is issued following the adoption of a decision to impose an administrative penalty for an offence, covered under articles 9.1, 9.3 and 17.1 of the Code of Administrative Procedure, against a family member.

55. Injunctions are taken out in two ways.

56. Victims of domestic violation are free to leave their homes, go with their children to stay with relatives, turn to a crisis centre etc. In such cases, the aggressor is prohibited under the injunction to attempt to find out the place of residence of the victim of domestic violence if the victim's whereabouts are not known to him; it is prohibited to visit the victim's place of residence or stay; it is prohibited to contact the victim, including by telephone or via the Internet.

57. Otherwise, when the victim of domestic violence is unable to leave the place of residence, an injunction (with the written consent of the adult victim) requires the perpetrator to leave the shared living quarters and imposes a ban on the use of jointly owned property.

58. Officers of the internal affairs agencies issued 214 injunctions in 2014, including 166 with the obligation to leave the shared living quarters temporarily.

59. Furthermore, the Ministry of Internal Affairs has begun amending the Code of Administrative Procedure with a view to including express provision in the area of crime prevention for administrative responsibility for breaches of the law, including injunctions.

60. A bill on the prevention of domestic violence is currently being drafted.

61. A network of mobile social services offices is being set up and developed, represented in each administrative district by the territorial social services centre (146 in total) and 2 city social services centres for families and children.

62. Under the 2013 Social Services Act, social care services have been introduced that provide comprehensive assistance to persons experiencing hardship, including victims of violence. A council in charge of care arrangements has been set up to provide such assistance, which is composed of health and education specialists and members of the commissions on minors' affairs and other State bodies and organizations.

63. "Crisis rooms" are being set up to provide temporary shelter in certain social adaptation and rehabilitation centres. As of 1 January 2015, 105 such crisis rooms are in operation (compared with 74 as of 1 January 2014). These rooms are intended to provide assistance to the following categories of citizens: victims of human trafficking and persons affected by violence, man-made and natural disasters and terrorist acts.

64. The centres are capable of providing victims of domestic violence with counselling and information, education, psychological and social rehabilitation services, social care services, temporary shelter and other services.

65. Such temporary shelter is free of charge and includes the provision of a place to sleep, a set of bed linen, personal hygiene items, and food and drink.
66. A nationwide toll-free hotline for victims of domestic violence has been in operation since 2012 (tel. 8 801 100 8 801).
67. The Government is carrying out international technical assistance projects in conjunction with the United Nations Population Fund and the United Nations Children's Fund on national capacity-building to combat domestic violence in Belarus and achieve gender equality.
68. Awareness-raising campaigns are routinely carried out in Belarus with a view to reducing the incidence of domestic violence and domestic crimes. A number of campaigns have been launched in the reporting period, including ones with the following titles: "Safe Neighbourhood", "A House without Violence", "Stop Violence", "Household", "Kitchens without Violence" and "Nurseries without Violence". Information on the campaigns is widely publicized in the local and national media.
69. Advanced training was provided to chiefs and deputy chiefs of public security militia stations during the 2014/15 academic year with a view to preparing officers of internal affairs agencies to deal with domestic violence more effectively. The Ministry of Internal Affairs Academy offered a course on the subject of enhancing the work of the internal affairs agencies in combating domestic violence. There are plans to provide further training to 60 officers of the territorial divisions of the internal affairs agencies.
70. Since 1 January 2012, the divisions have received 5,930 statements (reports, complaints) about acts of sexual or domestic violence against women and children. Following consideration of the statements (reports) according to the procedure described in article 174 of the Code of Criminal Procedure, a decision was taken on 3,929 statements (reports) to institute criminal proceedings and criminal proceedings were dropped for the remaining 1,998 cases on the grounds of rehabilitation. Currently, three statements are under review.
71. Following preliminary inquiries, 3,123 criminal cases have been transferred to the Office of the Procurator for referral to the Court and orders were issued for the preliminary inquiries into 319 cases to be discontinued and pretrial investigations into 123 cases to be dropped. Currently, 364 criminal cases are in progress.
72. The national legislation provides for no penalties for the dissemination of political views.
73. No additional legal or institutional measures to protect persons engaged in human rights work in their personal capacity or within the framework of the work of voluntary associations in Belarus have been taken.
74. Citizens of Belarus engaged in human rights activities have the same right to protection and support of the State as other citizens of Belarus. If such activities run counter to the law (constitute a crime or lesser offence), such persons are responsible under the legislation in force.
75. All the decisions concerning the citizens mentioned above were taken only by the relevant State authorities in accordance with the national legislation on the basis of a full and objective investigation into the circumstances of the criminal cases.
76. Each decision was handed down on the basis of evidence in accordance with the law, in particular the testimony of many witnesses, various documents and other material evidence that support the allegations of wrongdoing against the accused.

77. There is no evidence to substantiate the allegations that persons involved in journalistic activities were subject to threats to personal safety, violence, intimidation, persecution or other violations of their rights and legitimate interests.
78. The Office of the Procurator General has received no information concerning any harassment or threats against journalists Iryna Khalip and Andrzej Poczobut, chair of Belarus Helsinki Committee Aleh Hulak, head of Legal Aid to the Population Oleg Volchek and opposition social network moderator Roman Protasevich.
79. The Pervomaysky District Court in Minsk found Mr. A.V. Bialatski guilty of concealment of income on a large scale and sentenced him to 4.5 years' maximum security imprisonment and his property confiscated. The crime was uncovered during an audit conducted by the tax authorities of Belarus. The case file reviewed by the court contains no information to suggest that there were any political motives behind Mr. Bialatski's prosecution.
80. Mr. Bialatski was released on 21 June 2014 in connection with a commutation of the sentence under an amnesty.
81. Belarus is a party to all the universal instruments of the United Nations on combating human trafficking and to the Council of Europe Convention on Action against Trafficking in Human Beings and has helped to draft the model laws of the Commonwealth of Independent States on combating human trafficking and assistance to trafficking victims.
82. All matters involving trafficking in persons, including work and study abroad, international adoption and the business activities of travel, marriage and modelling agencies, are regulated under the national law.
83. The Action against Human Trafficking Act, adopted in July 2012, incorporated and systematized the provisions of all previous laws and regulations in this area.
84. The Act amending the Action against Human Trafficking Act was adopted on 16 December 2014. The Act sets forth an expanded definition of trafficking in persons and provides a basis for identifying and referring victims of human trafficking for rehabilitation; provision is also made for a 30-day period during which victims may undergo rehabilitation and consider whether to seek criminal prosecution.
85. Pursuant to the Act, the Council of Ministers adopted decision No. 485 on 11 June 2015, approving the regulations governing the procedure for identifying victims of trafficking, the procedure for completing the questionnaire for citizens who could be the victims of human trafficking or related crimes and the procedure for submitting the information contained therein. The regulations provide, inter alia, for the introduction of a single questionnaire when dealing with victims of trafficking in persons; a harmonized approach to collecting information on victims of trafficking and the assistance provided; and a single set of procedures for identifying victims and completing questionnaires and referring them for assistance.
86. In 2011, a multidisciplinary team was set up in each of the country's six provinces to identify victims of trafficking in persons and provide them with referrals and assistance.
87. Currently, there are six constituent elements that render trafficking in persons and related acts criminally punishable and cover all aspects and forms of modern slavery. The maximum penalty is deprivation of liberty for 15 years and confiscation of property. Crimes involving pornography, including child pornography, fall into a different category of offences.
88. The protection and rehabilitation of victims of trafficking in persons in Belarus is provided for free and includes the following: temporary shelter; legal assistance, including free legal aid from members of the Bar Association; medical care; psychological support;

family tracing or placement with foster families, or in children's homes; and employment assistance.

89. Since 2011, there has been a trend towards a greater number of victims of exploitation at home compared with the number of victims of exploitation abroad: while in 2010 the ratio was 180 to 182, it was 124 to 85 in 2012; 90 to 59 in 2013; 54 to 43 in 2014; and 65 to 29 in the first eight months of 2015, respectively.

90. Considerable attention has been given to professional training and staff development of persons dealing with trafficking in persons. The Ministry of Internal Affairs Academy has been training specialists in combating human trafficking for the criminal police since 2005.

91. Further training by members of the law enforcement agencies at home and abroad is regularly carried out at the International Training Centre on Migration and Combating Human Trafficking, which is the main training facility for the States members of the Commonwealth of Independent States for training, upgrading skills and staff development in the area of migration and combating human trafficking. Leading experts in trafficking in persons are called in to provide training and they have developed a number of training courses. More than 1,500 persons from 30 States have received training at the Centre. The Centre is partnered with the International Organization for Migration, the United Nations Office on Drugs and Crime and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

Article 3

92. Under the Act of 4 January 2014 amending certain laws on the legal status of foreign nationals and stateless persons in the Republic of Belarus, the Act on the Legal Status of Foreign Nationals and Stateless Persons in the Republic of Belarus of 4 January 2010 was amended to include a new article 17-1 (Guarantees of non-refoulement of foreigners). This article provides that foreigners may not be returned or expelled against their will to a foreign State where their life or freedom might be endangered because of their race, religion, nationality, ethnic background, membership of a social group or political opinion or where they may be subjected to torture. These provisions do not apply to foreigners who pose a threat to the national security of Belarus or have committed a crime in the territory of Belarus that is categorized under the Criminal Code as serious or especially serious.

93. Statelessness is not an acute problem in Belarus. Steps have been taken in the country, including at the legislative level, to protect the rights of stateless persons and minimize the negative consequences stemming from their legal status. The national legislation on nationality contains provisions aimed at reducing and preventing statelessness. Belarus has entered into agreements on simplifying procedures for acquiring citizenship with the Russian Federation, Ukraine, Kazakhstan and Kyrgyzstan, which preclude cases of statelessness from occurring.

94. In accordance with article 20 of the Citizenship Act of 1 August 2002, citizenship of the Republic of Belarus may not be terminated if the citizen of Belarus does not have citizenship of another State or guarantees of obtaining such citizenship.

95. A positive result of the actions taken was a steady decline in the number of stateless persons residing in Belarus.

96. The internal affairs agencies of Belarus are constantly making efforts to improve methods of work with stateless persons.

97. Under article 5 of the Act on the Granting of Refugee Status and Subsidiary and Temporary Protection to Foreign Nationals and Stateless Persons, the following categories

of persons may not be returned or expelled against their will to the territory of a State where they may be subjected to torture, including foreigners who:

- Apply for protection;
- Have been granted refugee status or subsidiary or temporary protection;
- Have had the review of their application for protection suspended;
- Have been refused refugee status and subsidiary protection;
- Have been refused an extension of the period of their subsidiary protection;
- Have lost refugee status or subsidiary protection;
- Have had their refugee status or subsidiary protection cancelled.

98. If such foreigners may not be returned or expelled, they are to have the right to apply for a temporary residence permit in Belarus in the manner prescribed by the laws and regulations of Belarus.

99. Decisions on expulsion are taken by the internal affairs agencies or the State security bodies. In establishing grounds for a decision to expel a foreigner, the competent authority must inform the person in question, by delivering or sending notification to his or her place of residence, that an expulsion decision is under consideration.

100. Any person against whom an expulsion decision has been rendered may challenge the decision by bringing an appeal, in the prescribed manner, before a higher public authority or court of law. Appeals against such decisions are grounds for temporary stay of the foreign national in Belarus for the length of the consideration of the complaint.

101. In the period since 2011, 31 foreigners who have been denied refugee status or subsidiary protection in Belarus have been returned, as follows: 1 person to Armenia, 4 to Georgia, 19 to the Russian Federation, 2 to Turkey and 5 to Ukraine.

102. Belarus does not provide diplomatic assurances in cases of refoulement, extradition and expulsions.

Articles 5, 6 and 7

103. Since the consideration of the previous report, no request by a third State for extradition of an individual suspected of having committed an offence of torture has been received by the Office of the Procurator General.

104. As the Criminal Code applies regardless of the criminal law in the place where a criminal act covered under article 128 (Crimes against the security of humankind) is committed, acts of torture are characterized as crimes that fall under universal jurisdiction (Criminal Code, art. 6 (3) (2)).

105. Information on progress towards full compliance with the provisions of the Convention is also set out in paragraphs 1-15 of the replies.

Article 10

106. Paragraph 17 (a) and (b): Staff at temporary holding facilities and detention centres for offenders regularly take part in refresher courses. Training of the staff makes it possible for them to maintain a secure environment in such special facilities.

107. Paragraph 17 (c): There are no restrictions on the recruitment of women officers to serve in temporary holding facilities or detention centres for offenders. Women officers have the same opportunities as their male counterparts for career advancement, including access to leadership positions involving responsibility for policymaking and designing strategies for the treatment of and assistance to women prisoners.

108. Paragraph 17 (d): Candidates for service in internal affairs bodies and, in particular, in temporary holding facilities and detention centres go through a careful selection process for the purpose of ensuring that they have the requisite professional skills and personal qualities. Candidates for recruitment to the service must be vetted to ensure that they meet requirements, including through an examination by specialists on the military medical board of the Ministry of Internal Affairs, which includes a special mental health assessment.

109. The Office of the Procurator General devotes particular attention to upgrading the skills of its staff. A guidance manual on prosecuting cases on behalf of the State has been developed for this purpose, which takes up the issue of examination of the evidence to ensure that it is credible and admissible, methodologies and approaches to prosecuting cases in court on behalf of the State.

110. Courses are offered to procuratorial staff, including public prosecutors, on a regular basis at the Belarusian State University Institute for Further and Advanced Training for Judges, Prosecutors and other Judicial Officers.

111. By the order of the Procurator General of 28 August 2012, on arrangements for conducting public prosecutions and exercising supervision to ensure that court decisions in criminal cases are in compliance with the law, the public prosecutor has responsibility for establishing facts in the course of judicial investigation that may show that unlawful methods were used to obtain evidence during the preliminary inquiries and submit a written report to the procurator who has referred to criminal case for trial on the need to check these facts in the manner prescribed in article 174 of the Criminal Code (concerning evidence of a crime in respect of actions of officials of bodies conducting investigations and initial inquiries).

Article 11

112. Paragraph 18 (a): A list of persons who have the right to visit penal institutions without special authorization from the administrations of such institutions has been compiled in accordance with article 22 of the Penalties Enforcement Code. Voluntary associations are not included in this list.

113. Paragraph 18 (b): Psychiatric hospitalization and treatment is not used for punitive reasons, or for any reasons other than medical ones.

114. Under the provisions of the Mental Health Care Act of 7 January 2012, psychiatric hospitalization of patients is carried out only to provide them with psychiatric care, including prevention, diagnostics and treatment of mental disorders or illness and rehabilitation.

115. In accordance with article 15 of the Act, a mental disorder or illness is diagnosed according to the International Statistical Classification of Diseases and Related Health Problems, and may not be based solely on the patient's rejection of society's generally accepted moral, cultural, political and religious values or other circumstances that are not directly related to his or her state of mental health.

116. Under the Act, involuntary hospitalization and treatment may be provided only on the basis of a court decision on such hospitalization or treatment, which may be pronounced only in cases in which the person in question is suffering from a mental disorder or illness

and refuses treatment if such gives rise to: an immediate danger to himself or herself and/or to others; a state of helplessness; or the risk of substantial harm to his or her health owing to the deterioration of his or her mental state if the person does not receive psychiatric care.

117. Paragraph 18 (c): By decision of the district court of Vitsyebsk of 21 August 2013, Mr. I. Postnov underwent involuntary treatment in the inpatient facility of a psychiatric hospital in connection with the development of a personality disorder.

118. Paragraph 19 (a) and (b): Under article 21 (1) and (2) of the Penalties Enforcement Code, voluntary associations may monitor the work of bodies and institutions that enforce sentences and other criminal penalties; Such associations are involved in the rehabilitation of offenders and provide assistance to the bodies and institutions that enforce sentences and other criminal penalties.

119. Council of Ministers decision No. 1220 of 15 September 2006 approved regulations governing the procedures for voluntary associations to monitor the activities of the agencies and institutions that enforce sentences and other criminal penalties. Under paragraph 5 of the decision, the system of public oversight commissions is made up of:

- The national public oversight commission attached to the Ministry of Justice, comprising members of international and national voluntary associations that operate throughout the country;
- Provincial and Minsk City voluntary monitoring commissions attached to the chiefs of the justice departments of the provincial executive committees, comprising members of local voluntary associations and organizational divisions of international and national voluntary associations that operate in the territory of the corresponding administrative and territorial units of Belarus.

120. The rights of the members of the boards are defined in paragraphs 9 and 10 of the regulations.

121. The membership of the national public oversight commission attached to the Ministry of Justice includes members of the Belarusian Association of Parents of Large Families, the Belarusian Voluntary Association of Soldiers' Mothers, the Belarusian Culture Fund, the Belarusian Red Cross Society, the Christian Service for the Spiritual Rebirth of Offenders, the Kirill and Methodius Centre for Christian Education, the Belarusian Veterans Association and the Writers' Union of Belarus.

122. With a view to enhancing the effectiveness of the work of the public oversight commissions, on 15 February 2011, Council of Ministers decision No. 196 was adopted, which introduced amendments to the aforementioned regulations governing the procedures for voluntary associations to monitor the activities of penal institutions.

123. The regulations include the following new developments concerning the activities of public oversight commissions that have become an active part of the working practices of those commissions in recent years:

- The right of members of the commission to interview persons detained in penal institutions without the presence of the relevant prison administration has been established;
- The commissions have been given the right to request information and documents from the administration that are needed to carry out public oversight and draw conclusions;
- The right of members of the commissions to conduct surveys of persons detained in correctional facilities has been established;

- The monitoring commissions have been given the right to visit not only penal institutions but also pretrial detention facilities of the penal correction system that are fulfilling the function of correctional facilities for persons sentenced to deprivation of liberty;
- Members of international voluntary associations registered in Belarus have been afforded the opportunity to take part in the monitoring commissions together with representatives of national and local voluntary associations;
- The procedures for negotiating visits by public oversight commissions to penal institutions have been streamlined (previously, there had been a two-step procedure that required getting approval for a visit from both the provincial office of internal affairs and the penal institution administration);
- Between 2012 and 2014, representatives of public oversight commissions conducted visits to 25 institutions of the penal correction system.

124. On 19 June 2014, the national monitoring commission attached to the Ministry of Justice visited penal colony No. 14 of the Office of the Department of Penal Enforcement of the Ministry of Internal Affairs in Minsk and Minsk province.

125. During the information session that was held with members of the administration of the penal correction system, the operations of such institutions, the conditions of serving a sentence by convicts and the operating conditions of short-stay prisons and remand centres were discussed in detail.

126. When visiting correctional facilities the conditions of detention, provision of medical care, recreational and learning activities and the moral, cultural, social, occupational and physical education and guidance provided to convicted prisoners are examined. For example, members of the commissions visit kitchens, dining halls, bathroom and laundry facilities, libraries, meeting rooms, study rooms and other places. After studying the work of the institution, interviews with prisoners are held.

127. When a monitoring commission receives a written communication as a result of a visit or raises issues in connection with a prisoner's serving of a sentence, the issues are analysed and submitted to the Ministry of Internal Affairs and other competent bodies such as the Ministry of Labour and Social Protection (concerning disputes over pension calculations), the Ministry of Health (concerning the provision of medical care) and others.

128. Furthermore, the activities of the temporary holding facilities and detention centres for offenders and the conditions of detention in them are regularly checked by procurators, who also make the rounds of cells and conduct interviews with convicted prisoners and other detainees.

129. Civil society representatives acting as members of public oversight commissions ensure that the human rights of persons who are serving sentences in places of detention are observed. For example, in 2014, the human rights organization Platform Innoveishn was given access to institutions to inspect conditions of detention. In addition, the think tank EcooM has been working with human rights organizations since 2014 on an opinion poll project among prisoners in order to identify the factors that give rise to conflicts with the administration and to examine conditions of detention.

130. Belarus has constructively engaged with the special procedures of the Human Rights Council on communications submitted to it. Priority is given to the thematic mandates, expert potential and knowledge that could be used to build national capacity in various spheres. Account is taken of the specific mandate holders' focus on objective, unbiased and depoliticized analysis and assessment.

131. In 2014, Belarus extended the invitation sent in 2009 to the special procedures of the Human Rights Council and broadened the list of those invited.

132. The current practice of visits of special procedures mandate holders involves programmes of visits in conjunction with government representatives.

133. The invitation extended in 2010 to the United Nations High Commissioner for Human Rights to visit Belarus is a standing invitation. This invitation was confirmed by the United Nations High Commissioner and Mr. A.G. Lukashenka, President of Belarus, during a meeting with him in September 2015 in New York within the framework of the United Nations summit for the adoption of the post-2015 development agenda.

134. A programme of construction and reconstruction of buildings and facilities is currently being carried out by the Department of Finance and Logistics of the Ministry of Internal Affairs, the Minsk Municipal Executive Committee Central Internal Affairs Department, and the internal affairs department of provincial executive committees for the period 2011-2017, which provides for the reconstruction or construction of more than 20 temporary detention facilities.

135. In 2015, the modernization of the detention centre for offenders of the Minsk Municipal Executive Committee Central Internal Affairs Department was completed and would fully meet modern specifications for this kind of facility.

136. With a view to reducing overcrowding in prisons, an amnesty was carried out to mark the seventieth anniversary of the victory in the Great Patriotic War, 1941-1945.

137. In accordance with the Act of 28 May 2015 on Amnesty in Connection with the Seventieth Anniversary of the Victory in the Great Patriotic War, 1941-1945, as of 13 November 2015:

- Among the persons sentenced to deprivation of liberty and remanded in custody, 1,736 prisoners were released from correctional facilities and short-stay prisons;
- Among the persons sentenced to restriction of liberty and placed in open correctional facilities, 653 prisoners were released from the open correctional facilities.

138. Under article 20 of the Penalties Enforcement Code, the Procurator General and subordinate prosecutors monitor compliance with legislation by the agencies and institutions that enforce sentences and other penal measures.

139. In accordance with the Act of 5 January 2015 amending the Criminal Code, the Code of Criminal Procedure, the Penalties Enforcement Code, the Code of Administrative Offences and the Code of Administrative Procedure and Enforcement, significant amendments were introduced to the criminal and criminal procedural legislation aimed at optimizing penal measures and the procedure for their enforcement, including limiting the grounds for applying preventive measures in the form of remand in custody and reducing penalties in the form of pretrial detention and deprivation of liberty for a number of acts and introducing alternative forms of punishment to them and other measures. In particular, article 126 (1) of the Code of Criminal Procedure, as amended, provides that remand in custody must not be applied for minor crimes against the procedure for carrying out economic activities (with the exception of smuggling, illegal export or transfer for the purpose of export of items subject to export control and the legalization (laundering) of proceeds of crime). In accordance with article 116 of the Code of Criminal Procedure, besides remand in custody, preventive measures include recognizance not to leave and pledge of good conduct; a personal guarantee placing a person with the status of serviceman under the supervision of the commander of a military unit; placing a minor under supervision; bail; and house arrest.

140. In deciding whether to apply a preventive measure to a suspect or accused person, the nature of the suspicion or accusation, the suspected or accused person's character, age, state of health, occupation, family situation and wealth and existence of a permanent place of residence and other circumstances must be taken into account (Code of Criminal Procedure, art. 117 (2)).

141. In 2014, 95.1 per cent of persons who committed an especially serious crime were remanded in custody as a preventive measure, 55.4 per cent of those who committed a serious crime and 3.8 per cent of those who committed less serious crimes, or crimes that did not pose a major threat to public safety.

142. Alternatives to remand in custody as a preventive measure are frequently used. In 2014, preventive measures such as recognizance not to leave and pledge of good conduct were used against 59.8 per cent of accused persons by bodies conducting criminal proceedings. Personal guarantees, house arrest, bail and other measures are used in cases as provided for by the law.

143. There is no special or separate mechanism for receiving complaints of sexual violence in Belarus and no plans to introduce such a mechanism at present. Neither is any training provided to officers on handling such complaints.

144. However, in accordance with article 10 (5) of the Code of Criminal Procedure, convicted persons, including foreign nationals and stateless persons, have the right to correspond with and to appeal to the administration of the body or institution that is enforcing the sentence or other criminal penalties, the courts and the office of the procurator with proposals, statements and complaints, in Belarusian, Russian or any language that they master, and, if necessary, use the services of a translator.

145. Convicted persons, including foreign nationals and stateless persons, have the right to apply to the public authorities and other organizations in a manner prescribed by the laws on communications of citizens and legal persons.

146. For the purposes of receiving legal assistance, prisoners have the right to use the services of lawyers or other qualified individuals for the provision of legal aid.

147. All cases of death in places of remand in custody are investigated in Belarus. Between January 2012 and March 2015, investigative teams carried out 169 investigations into claims (communications) about the death of 170 citizens in places of remand in custody, which resulted in five decisions on opening a criminal case and 164 decisions against instituting criminal proceedings. In two cases, criminal proceedings were instituted for acts committed by officials that clearly went beyond the rights and powers vested in them, accompanied by violence, and, in another case, criminal proceedings were instituted against a medical worker for acts that caused the death of a patient by negligence.

148. The following are examples of corrections officers being held to account.

149. In December 2014, an officer of the internal service of prison No. 8 was sentenced to 6 years' deprivation of liberty for inducement of a detainee to commit suicide.

150. A criminal case has been brought against a militia officer of the specialized detention centre of the Silihorsk District Department of Internal Affairs in connection with causing bodily harm to a detainee.

151. A total of 128 persons in places of detention have died as a result of various illnesses, including heart attacks, HIV/AIDS, malignant tumours and tuberculosis; in 42 cases, the deaths were of a violent nature (mechanical asphyxia as a result of strangulation, smothering etc.).

152. Health-care units, hospitals and other medical facilities and secure hospitals have been set up within the penal correction system to provide prisoners with medical care.

153. When it is not possible to provide urgent and routine treatment (above all specialized care for cancer, heart problems, tuberculosis etc.) in the institutions of the penal correction system, the necessary diagnostic and treatment services are provided at the relevant health facilities. Medical care, including medicines prescribed by doctors, is provided free of charge.

154. A project called Prevention and Treatment of HIV/AIDS in the Republic of Belarus-3 is being carried out in the institutions of the penal correction system, with support from the Global Fund to Fight AIDS, Tuberculosis and Malaria, and the Ministry of Health and United Nations Development Programme (UNDP) are engaged in a project called Stop TB Strategy in Belarus, with a particular focus on taking measures to combat multidrug-resistant tuberculosis.

Articles 12 and 13

155. The Investigative Committee is carrying out initial inquiries into a criminal case brought on evidence of a crime under article 101 of the Criminal Code (1960 version) involving the disappearance of Mr. V.I. Hanchar, Mr. A.S. Krasouski and Mr. Y.N. Zakhanka.

156. The time frame for the preliminary investigation into the criminal case has been extended.

157. Despite the additional measures taken to conduct an effective investigation into these cases, it has not been possible, to date, to establish the whereabouts of Mr. Hanchar, Mr. Krasouski and Mr. Zakhanka or the people who might be involved in their disappearance.

158. The relatives of Mr. Hanchar, Mr. Krasouski and Mr. Zakhanka have been recognized as victims in the criminal case. In this connection, they and their representatives have been given the opportunity to exercise their rights and legitimate interests in the manner prescribed by the criminal procedural legislation of Belarus.

159. The central investigation department of the Investigative Committee is also investigating the criminal case into the disappearance of Dmitry Zavadski, camera operator for the Russian television station ORT, for whom a separate criminal case has been brought by the Belarusian transport procurator's office on evidence of a crime under article 101 of the Criminal Code (1960 version) against a criminal gang that includes Mr. V.A. Ignatovich and Mr. M.M. Malik, who are suspected of involvement in Mr. Zavadski's disappearance.

160. Mr. Ignatovich and Mr. Malik were found guilty in connection with the incident of Mr. Zavadski's abduction in a judgement of the Minsk Provincial Court of 14 March 2002 and convicted of the abduction committed by an organized group and unlawful deprivation of his liberty.

161. Nevertheless, during the investigation into the case, Mr. Zavadski's whereabouts were not established.

162. Intelligence and search operations in respect of Mr. Zavadski's disappearance are being led by the body conducting the initial inquiry.

163. The Penal Code defines what socially dangerous acts are crimes, establishes the conditions and grounds for criminal responsibility and establishes the punishment and other criminal penalties that may be applied to the persons for crimes committed and the coercive

safety measures and treatment for the perpetrators of socially dangerous acts. The Criminal Code is the only criminal law in force within Belarus (Criminal Code, art. 1).

164. Enforced disappearance (abduction) may be an element of such crimes covered under the special section of the Criminal Code as an act of terrorism against a member of a foreign Government or international organization (Code, art. 124), crimes against the security of humankind (art. 128), abduction (art. 182), an act of terrorism against a government or public figure (art. 359) and others.

165. In accordance with chapter 35 (1) of the Criminal Code, when using his or her powers or other official powers to commit these crimes, an official bears criminal responsibility for all the offences committed (under the relevant article of chapter 35 of the Code that provides for responsibility for enforced disappearance (abduction)).

166. The department of procedural control over investigations into corruption and crimes against the interests of the Investigation Committee service has established the following as part of the process of standardizing the practice of reviewing reports or communications concerning the commission of crimes by officers of the internal affairs agencies while carrying out their official duties and the results of their criminal prosecution for corruption and offences against the interests of the service.

167. According to the Unified State Databank on Offences, the number of registered crimes covered under article 426 (3) of the Criminal Code (Intentional commission of acts by officials that clearly exceed the rights and authority conferred on them in their duty, accompanied by violence and cruel or degrading treatment of the victim, or the use of weapons or special restraining devices) that have been committed by internal affairs officers was 11 in 2012, 19 in 2013 and 25 in 2014.

168. In 2012, there were 2 such criminal cases handed over to the procurator for referral to the courts in accordance with article 262 of the Code of Criminal Procedure, 11 in 2013 and 14 in 2014.

169. In 2014, preliminary inquiries were discontinued in five such criminal cases (Code of Criminal Procedure, art. 29 (1) (2)) and in 2012 and 2013 no decisions to drop proceedings was taken.

170. Since 2012, 614 reports of unlawful acts by internal affairs officials have been received in the divisions of the Investigative Committee and other State law enforcement bodies that fall under the definition of "torture" and "cruel treatment" of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Checks into such reports are carried out in the manner prescribed in article 174 of the Code of Criminal Procedure. As a result of the checks carried out, 10 criminal cases were brought under article 426 (3) of the Criminal Code. In the other cases, the information provided in the reports was not substantiated and a decision not to bring a criminal case was taken.

171. Of the 10 criminal cases brought, 5 were transferred to the procurator for referral to the court and, in 3 cases, a decision was taken to end the preliminary investigation (1 criminal case was dropped under art. 246 (1) (1) of the Code of Criminal Procedure and 2 under art. 246 (1) (2)). For the other criminal cases, a preliminary investigation is still in progress.

172. The allegations of the use of torture against the persons concerned are unsubstantiated.

173. The decisions concerning the citizens were taken by the relevant State authorities in accordance with the national legislation in compliance with their right to a defence and on the basis of a full investigation into the circumstances of the criminal cases.

174. The Office of the Procurator General ordered the procurator's office of Mahilyow province to conduct a check into the application of Mr. M.V. Statkevich, which found that the complainant's claims were not borne out.

175. According to the Office of the Investigative Committee of Mahilyow province, the Office and the investigative units of the province received no communications from Mr. Statkevich, who was held in penal colony No. 17 in Shlow under the Office of the Department of Penal Enforcement of the Ministry of Internal Affairs.

176. No other persons have brought claims to the supervisory bodies that torture was used against them.

177. Efforts have been made to explore setting up a national human rights institution in Belarus. In particular, consideration has been given to the principles relating to the status of national institutions for the promotion and protection of human rights; the legislation of foreign States concerning the establishment of national human rights institutions; the current system of national bodies and institutions that deal with the promotion and protection of human rights in Belarus; and public opinion and the views of government bodies on whether establishing a national human rights institution is warranted and what might be the most suitable form of such an institution and its main responsibilities.

178. In 2014, an international workshop to examine international experience with the work of national human rights institutions was held in conjunction with OHCHR, UNDP, the European External Action Service and the Council of Europe in Minsk, at which Belarus presented a policy framework for a national human rights institution in Belarus. An agreement was reached at the workshop to conduct a UNDP-sponsored study to evaluate the usefulness of setting up a national human rights institution in Belarus in the light of the existing national system of human rights institutions.

179. UNDP is currently working with the Government to come up with a conceptual approach to the study and there are plans to have a Belarusian voluntary association conduct it.

Article 14

180. Between 2011 and the first half of 2015, no cases involving crimes covered by articles 128 and 394 of the Criminal Code came before the courts.

Article 15

181. The Government does not have any information about allegations of extracting confessions under torture, including in the cases of Mr. V.V. Asipenka and Mr. M. Autukhovich that have been referred to.

182. The agencies of the procuratorial system have received no complaints from Mr. Autukhovich or Mr. Asipenka or the latter's lawyer of extracting confessions under torture during criminal proceedings. In September and November 2009, the Office of the Procurator General reviewed two complaints from Mr. Autukhovich's lawyer, Mr. P.V. Sapelka. No violations were found during the review of the complaints, and the lawyer, Mr. Sapelka, was informed of that fact.

183. The central office of the Investigative Committee of Belarus did not receive any communications from Mr. Asipenka or Mr. Autukhovich concerning the extraction of confessions under torture.

184. When considering a criminal case, the courts are guided by the principle of due process of law, by which evidence obtained by violating the procedure established under the Code of Criminal Procedure is void and may not be used to bring a charge against a person or hand down a sentence.

185. When assessing the admissibility of evidence, the court must establish that the body conducting the criminal proceedings obtained the evidence in accordance with the Code of Criminal Procedure and from sources provided for by law. Furthermore, evidence is deemed to be inadmissible if it is obtained in violation of the constitutional rights and freedoms of citizens and the requirements of the Code of Criminal Procedure dealing with deprivation or restriction of the rights of parties to criminal proceedings or violations of other rules of criminal procedure.

Article 16

186. National law provides that the commission of a crime against a minor usually constitutes an aggravating factor that entails a harsher penalty for the crime.

187. A definition of “domestic violence” and “family members” was introduced under the Principles of Crime Prevention Act of 4 January 2014, which provides for specific action to protect victims of domestic violence, such as restraining orders that prohibit offenders from searching for, following, visiting or contacting their victims, and sets out the principles for crime prevention through awareness-raising on preventing domestic violence and further training of professionals.

188. Under Presidential Decree No. 18 of 24 November 2006, on additional measures for the State protection of children in problem families, interdepartmental work is being done to identify and rehabilitate child abuse victims (including victims of physical, psychological and sexual violence).

189. Information on the measures taken to end domestic violence is contained in paragraph 9 of the replies.

190. Persons serving sentences in correctional facilities are provided with essential amenities in accordance with health and hygiene regulations. Convicted prisoners are provided with individual beds and bedding. They are provided with clothing, underwear and footwear according to the season. Standards for the material welfare of convicted persons serving sentences in correctional facilities and short-stay prisons are established by decision of the Council of Ministers No. 632 of 28 April 2010.

191. Under article 94 (3) of the Penalties Enforcement Code, convicted prisoners receive a diet of nutritional value adequate for supporting normal human life. The nutritional standards are set by the Council of Ministers subject to agreement by the President of Belarus.

192. Furthermore, convicted women who are pregnant or breastfeeding, minors and persons who are ill or have a category I or category II disability are entitled to better living conditions and higher nutritional norms.

193. Convicted persons may purchase at their own expense extra clothing that is authorized for use in correctional facilities, including sportswear, and additional health-care and other services, as prescribed by the internal regulations of the correctional facilities, approved by decision No. 174 of the Ministry of Internal Affairs of 20 October 2000.

194. Convicted persons are guaranteed freedom of religious worship under article 12 (1) of the Penalties Enforcement Code. The Penal Enforcement Department of the Ministry of Internal Affairs signed a new agreement on cooperation between the Department and the

Belarusian Orthodox Church on 12 September 2014 (a similar agreement had been in force since 5 August 1999).

195. Conditions have been created in all correctional facilities for the conduct of religious rites, rituals and ceremonies, and appropriate premises (prayer rooms) have been equipped for that purpose. Furthermore, there are 5 chapels and 14 places of worship (the most recent was consecrated on 22 August 2015) on the premises of the country's correctional facilities. In addition, the Department and the Belarusian Orthodox Church have taken a decision to begin construction of a place of worship on the grounds of penal colony No. 2 (in Babruysk).

196. Convicted persons have the opportunity to interact with clergy members of other traditional religious denominations on application.

197. Under article 71 of the Penalties Enforcement Code, young convicted prisoners must be kept separate from adults in correctional facilities.

198. The penal law of Belarus provides convicted prisoners with ready access to education, which, under article 7 of the Penalties Enforcement Code, is the principal means of rehabilitation of prisoners.

199. Library collections have been built up for convicted prisoners in correctional institutions, which may be used for self-education. Convicted persons may possess up to five books, not counting textbooks, in correctional facilities. There are no restrictions on the number of books a convicted prisoner may possess in open correctional facilities or penal colonies.

200. While in a correctional facility, convicted prisoners have the opportunity to learn a trade in the technical/vocational institutions of the Ministry of Education or in the workplace at the facility.

201. Convicted prisoners in penal colonies and open correctional facilities have the right to receive a higher education through correspondence courses.

202. On 13 October 2015, penal colony No. 4 (in Homyel) began an experiment in providing convicted persons with distance education, in which 14 prisons took part. The experiment was set up within the framework of the "Education Opens Doors" project that is being carried out with funding from the European Union and the Belarus office of the German adult education association Deutscher Volkshochschul-Verband e.V. If the experiment proves a success, there are plans to put forward proposals to amend the criminal enforcement legislation of Belarus accordingly.

203. Belarusian law provides for tighter restrictions on the use of the death penalty than is provided for by international law, in particular article 6 (5) of the International Covenant on Civil and Political Rights. For example, the death penalty may not be imposed on criminal offenders less than 18 years of age, all women, and men who have turned 65 by the time that a sentence is handed down.

204. In accordance with the Constitution, the death penalty is a temporary and exceptional measure. Before it is abolished, the death penalty may be imposed as an exceptional measure of punishment for certain especially serious crimes involving premeditated deprivation of life with aggravating circumstances.

205. Statistical data attest to the exceptional nature of the use of the death penalty in Belarus: in the period 2011-2014, death sentences were handed down to six persons.

206. Following the parliamentary elections of 2012, a working group on the death penalty as a means of punishment used in Belarus resumed its work. Members of the group are involved on an ongoing basis in social and political events concerning the death penalty.

For example, a round table was held in 2013 with the Council of Europe on religion and the death penalty and, with support from the Council and the Moscow branch of Penal Reform International, another was held on crime and punishment in the eyes of society.

207. All persons sentenced to death have the right to petition the President for a pardon. The death penalty may be commuted to life imprisonment by way of a pardon.

208. Plea-bargaining for suspected and accused persons was introduced to criminal procedure in 2015. For persons who have reached a pretrial settlement, including persons who have committed especially serious crimes that incur the death penalty, capital punishment is to be commuted to life imprisonment. This may have the effect of further reducing the number of death sentences handed down.

209. The legal status of persons sentenced to death is set out in chapter 22 of the Penalties Enforcement Code of Belarus.

210. Persons sentenced to death are held under tight security in separate cells and fulfil the obligations and exercise the rights established for persons detained in places in which preventive measures are enforced in the form of remand in custody (Penalties Enforcement Code, art. 174 (1)).

211. In accordance with article 175 (5), of the Penalties Enforcement Code, the administration of the institution where the death penalty is carried out is required to notify the court that handed down the sentence that it has been enforced, and the court then informs the next of kin.

Other issues

212. Among the main coordinators to develop and adopt security measures used for the existing national system for the State response to acts of terrorism is the State Security Committee, whose work is guided by the Policy Framework for Combating Terrorism in the Republic of Belarus, approved by Council of Ministers decision No. 658 of 25 July 2013.

213. The KGB has developed a plan of measures to prevent, identify and suppress acts of terrorism and other terrorist activity with a view to elaborate on the provisions of the Framework and fulfil certain objectives under it; efforts are under way to establish a legal framework for awareness-raising in the area of counter-terrorism, protect facilities against potential terrorist attacks and keep a register of general and special measures to guard against and prevent activities involving mercenaries.

214. The Act on Measures to Prevent the Legalization of the Proceeds of Crime, the Financing of Terrorism and the Financing of the Proliferation of Weapons of Mass Destruction was adopted on 30 June 2014. Amendments to certain provisions of the Criminal Code in the area of counter-terrorism are envisaged under the Act, including the introduction of article 290-2 (Facilitation of terrorist activity), article 290-3 (Training or other preparation for involvement in terrorist activity), article 290-4 (Establishment of or participation in an organization for the purpose of terrorist activity) and 290-5 (Organization of activities of a terrorist organization and participation in the activities of such an organization). A number of amendments to other laws and regulations currently in force have also been introduced under the Act.

215. Council of Ministers decision No. 1256 of 30 December 2014 was adopted pursuant to the Act, approving the decision on the procedure for establishing a list of persons participating in terrorist activity, or involved in the proliferation of weapons of mass destruction or under the control of such persons, for appealing against decisions to include

persons in such a list and reviewing other communications of such persons and for informing persons who carry out financial transactions and financial monitoring bodies about this list.

216. Under the Council of Ministers decision, the KGB has compiled an updated list that has been posted on the Internet.

217. Regulations governing the means and methods of effective action against extremism and terrorism have been adopted in Belarus.

218. A National Expert Commission has been established under the Ministry of Information to analyse content for the presence (or absence) of signs of extremism.

219. A comprehensive set of special measures is being carried out to prevent terrorist activity and suppress illicit trafficking in arms, ammunition and explosives. Operational Arsenal is routinely carried out to seize weapons and explosives from the population, and illicit trafficking in arms, nuclear and radioactive materials and highly potent or poisonous substances are treated as criminal offences.

220. Methods for detecting signs of unlawful activity by lone terrorists with a view to preventing terrorist crimes at the early stages have been developed and incorporated into the daily work of the KGB and Ministry of Internal Affairs.

221. A range of technical search activities in communications networks and the Internet have been developed and are being carried out in order to stop the spread of diagrams and manuals for the manufacture of explosives and explosive devices from commonly available components.

222. A number of measures to combat terrorism are being taken on a continuous basis within the framework of the programme to fight crime and corruption for the period 2013-2015.

223. In accordance with the Policy Framework for Combating Terrorism, priority attention has been given to prevention in efforts to deal with this occurrence, which is accomplished by means of explaining the implications of terrorism and the threat that it poses to society, informing citizens about existing legal mechanisms for exercising their civil, political, economic, social and other rights and defending their legitimate interests, instilling in society an outright rejection of the ideology of violence, fostering socially meaningful values, above all the value of human life, developing a sense of tolerance in the community and paving the way for dialogue about political, economic, social, religious, cultural and other problems.

224. Underlying the State efforts to develop and implement measures to respond to the threat of acts of terrorism is strict observance of the principles and rules of international law and human rights and freedoms.

225. The national law contains clear criminal procedure guarantees against violations of the rights of citizens during the prosecution of criminal activity, including terrorist activity. The Framework provides for measures of social rehabilitation and reintegration of persons who have served sentences for crimes of a terrorist nature.

226. The protection of the rights and freedoms and legitimate interests of citizens while antiterrorist measures are being implemented is guaranteed by extra-departmental and departmental control, and procuratorial supervision and judicial remedies.

227. In accordance with the Framework, Belarus recognizes the United Nations as playing a central, coordinating role in international cooperation in this area, ensures that the relevant Security Council resolutions and international agreements to which it is a party are

complied with in full and works for the effective implementation of the United Nations Global Counter-Terrorism Strategy adopted by the General Assembly in resolution 60/288.

228. Belarus is a party to 13 of the 18 universal antiterrorism instruments and to regional counter-terrorism programmes and agreements, above all those carried out within the framework of the Commonwealth of Independent States, the Collective Security Treaty Organization, the Customs Union and the Eurasian Group on Combating Money Laundering and Financing of Terrorism.

229. A delegation of the Security Council Counter-Terrorism Committee Executive Directorate visited Belarus on 16-18 October 2013 to analyse the status of implementation of Security Council resolutions 1373 (2001) and 1624 (2005) at the national level. The international mission commended the Policy Framework for Combating Terrorism in the Republic of Belarus and the interdepartmental coordination in the area of counter-terrorism.

230. Particular attention has been given to further implementation of the provisions of international legal standards within the framework of further improvements to national law, particularly with respect to the development of relevant legal procedures, such as:

- Freezing and releasing assets of persons and organizations directly or indirectly involved in the financing of terrorism; and
- Criminalizing in national legislation recruitment of terrorists and incitement to commit terrorist activity.

231. In accordance with the Framework, staffing for counter-terrorism includes:

- Establishing an effective system of recruitment, training, retraining and further training of the relevant staff for the actors directly engaged in combating terrorism;
- Introducing a system for training supervisors working in counter-terrorism on the basis of a single set of standards and methods adapted to the particularities of their work while carrying out a national response to acts of terrorism;
- Training specialists with the specific knowledge, skills and expertise needed to combat terrorism in a given area (countering the ideology of terrorism, prevention, detection and suppression of nuclear, chemical or biological terrorism, cyberterrorism and other forms of terrorism);
- Training staff to support the actors engaged in preventing, detecting and suppressing terrorist activity within their competence in responding to the challenges of combating terrorism;
- Providing for the sustainability of the human resource capacity of the actors directly involved in combating terrorism through the implementation of measures for the legal and social protection of persons participating in combating terrorism and members of their families.

232. No complaints have been received of the failure to observe international standards in this area.

General information on the human rights situation, including new measures and developments relating to the implementation of the Convention

233. Detailed updated information on the situation of human rights appears in the report of Belarus prepared for the second cycle of the universal periodic review in May 2015 (A/HRC/WG.6/22/BLR/1) and in the updated core document for the treaty bodies.

234. Among the institutional reforms in Belarus, the establishment of the Investigative Committee is worth noting. In accordance with the Investigative Committee of the Republic of Belarus Act of 13 July 2012, one of the main objectives of this department is protecting the rights and legitimate interests of citizens and of State and public interests and ensuring that the law is observed when checking reports and communications on crimes, bringing criminal cases and conducting preliminary investigations.

235. The Ministry of Internal Affairs and other interested parties have prepared a proposal for a law amending the Detention Procedures and Conditions Act.

236. The bill is intended to enhance the legal framework for regulating relations involving the enforcement of preventive measures such as remand in custody and when detaining various categories of persons in accordance with the rules under the Criminal Code and Penalties Enforcement Code.

237. The bill sets out the basic concepts for regulating legal relations and defines “remand in custody”, “the protection of persons remanded in custody”, “convoying of persons remanded in custody”, “detention”, “supervision” and “security”, which will allow for legal regulations to be specified and their application in practice to be simplified.

238. The bill clarifies article 12 of the Act, in particular on time frame for forwarding correspondence from persons held in custody addressed to the body conducting the criminal proceedings. Such correspondence must be forwarded no later than 24 hours from the moment that it is submitted, with the exception of national holidays or public holidays declared by the President of Belarus to be non-working days.

239. With a view to further humanizing detention conditions, the bill contains a rule giving persons in detention the right to have televisions set up and used in the cells.

240. On 3 December 2015, the House of Representatives, the lower house of the National Assembly of Belarus, adopted on first reading a bill amending certain laws of the Republic of Belarus on forced migration. Article 10 of the bill provides for the amendment of the Act on Granting Refugee Status and Subsidiary or Temporary Protection to Foreign Nationals and Stateless Persons in the Republic of Belarus (hereinafter referred to as the Refugees Act).

241. Article 5 of the new version of the Refugees Act specifies additional lists of categories of foreign nationals and stateless persons who may not be returned or expelled against their will to a State where they could suffer torture, including:

- Foreigners who have been granted refugee status in Belarus;
- Foreigners who have lost refugee status in Belarus;
- Foreigners who have been deprived of refugee status in Belarus.

242. Under article 5 of the new version of the Refugees Act, if it is not possible to return or expel foreigners who have had the review of their application for protection suspended, or have been refused refugee status and subsidiary protection, or have been refused an extension of the period of their subsidiary protection, or have lost refugee status or subsidiary protection, or have had their refugee status or subsidiary protection cancelled, or have been deprived of asylum, such foreigners have the right to apply for temporary or permanent residence in Belarus in the manner prescribed by the laws and regulations of Belarus (see also paragraph 13 of the report).

Abbreviations

Criminal Code

Code of Criminal Procedure

Penalties Enforcement Code

Code of Administrative Offences

Penal colony

Remand centre

KGB — State Security Committee

Ministry of Internal Affairs

Penal Correction Department of the Ministry of Internal Affairs

District Department of Internal Affairs

Department of Internal Affairs

Office of the Investigation Committee

Office of the Department of Penal Enforcement

UNODC — United Nations Office on Drugs and Crime

OHCHR — Office of the United Nations High Commissioner for Human Rights

IOM — International Organization for Migration
