



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined fifth and sixth periodic reports of Belarus\*

#### I. Introduction

1. The Committee considered the combined fifth and sixth periodic reports of Belarus (CRC/C/BLR/5-6) at its 2432nd and 2433rd meetings (see CRC/C/SR.2432 and 2433), held on 20 and 21 January 2020, and adopted the present concluding observations at its 2460th meeting, held on 7 February 2020.

2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party and the written replies to the list of issues (CRC/C/BLR/RQ/5-6), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the ratification of the Convention on the Rights of Persons with Disabilities, in 2016, and the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, in 2018. It also welcomes the adoption of the law on the granting of refugee status, subsidiary protection, asylum and temporary protection to foreign nationals and stateless persons, in 2016, which strengthened the asylum system, and the recommendation, resulting from a 2018 study, to integrate the principle of the best interests of the child into legislation on forced migration. The Committee further welcomes the progress made in reducing mother and child mortality and in eliminating mother-to-child transmission of HIV and congenital syphilis; the launch of the deinstitutionalization process, which led to a reduction in the number of children in residential care and resulted in the development of family-based alternative care; and the steps taken to develop inclusive education and restorative justice for children and to protect and rehabilitate child victims of human trafficking.

#### III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: violence, including corporal

\* Adopted by the Committee at its eighty-third session (20 January–7 February 2020).



punishment (para. 21), sexual exploitation and abuse (para. 23), family environment and children deprived thereof (paras. 26 and 28), children with disabilities (para. 31) and the administration of child justice (para. 43).

## **A. General measures of implementation (arts. 4, 42 and 44 (6))**

### **Legislation**

5. The Committee calls on the State party to continue aligning its legislation with all principles and provisions of the Convention, as previously recommended (CRC/C/BLR/CO/3-4, para. 9 and CRC/C/15/Add.180, para. 13 (a); see also CRC/C/15/Add.17, para. 6). This implies reviewing the legislation, including the Law on the Rights on the Child, from a child rights-based perspective (CRC/C/15/Add.180, para. 13 (a)) to ensure that children are considered as subjects of rights rather than objects of State protection and that the best interests of the child are a primary consideration in all matters affecting children. The Committee recalls that the legislative review should pay particular attention to positive parenting and equal parental responsibilities (CRC/C/15/Add.17, para. 6).

### **Comprehensive policy and strategy**

6. Noting the adoption of the State party's first national human rights action plan (2016–2019) and of its national action plans to improve the situation of children and safeguard their interests (for 2012–2016 and 2017–2021), the Committee recommends that the State party ensure that these plans encompass all areas covered by the Convention and that it allocate specific and adequate budgets for their implementation, monitoring and evaluation at various levels (CRC/C/BEL/CO/3-4, para. 13). It also recommends that the State party equip its policies and strategies with measurable outcomes and indicators to monitor the implementation of the action plans and assess their results.

### **Coordination**

7. While welcoming the reactivation of the National Commission on the Rights of the Child and noting that it shares coordination for the implementation of the Convention with the Ministry of Education, the Committee recommends that the State party take measures to:

- (a) Clearly define the roles and functions of the two authorities, to prevent overlap and duplication;
- (b) Enhance coordination at national, regional and local levels, including through increased capacity of the provincial liaison offices;
- (c) Further strengthen the National Commission on the Rights of the Child and its coordinating authority, including by allocating adequate human, financial and technical resources, increasing civil society representation and scheduling regular meetings;
- (d) Keep the National Commission on the Rights of the Child and the commission for minors as separate bodies due to their divergent roles and mandates.

### **Allocation of resources**

8. The Committee welcomes the increased support for families with children. Recalling its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee encourages the State party to utilize a child-rights approach in the elaboration of its budget and implement a tracking system and indicators for the allocation and use of resources for children. It also recommends that the State party take measures to:

- (a) Conduct a comprehensive assessment of the budget needs of children of all ages and allocate adequate budgetary resources for the implementation of children's rights, particularly by increasing the budget allocated to social protection services and addressing disparities between age groups in allocations;

(b) Introduce budgetary allocations for children in disadvantaged situations, including children living in poverty, child victims of abuse, children with disabilities, adolescents in vulnerable situations, children in institutions, Roma children, stateless children, and children in situations of migration;

(c) Ensure transparent and participatory budgeting through public dialogue, especially by encouraging child participation and building the capacity of children and of the authorities involved;

(d) Combat corruption and strengthen institutional capacities to effectively detect, investigate and prosecute corruption.

#### Data collection

9. Noting the efforts to improve data collection and recalling its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party:

(a) Develop a centralized and modern system for collecting and analysing data on all areas of the Convention, disaggregated by age, sex, disability, residence, ethnic and national origin, and socioeconomic and migration background;

(b) Collect and analyse data on Roma and stateless children;

(c) Harmonize methodologies and procedures for the collection of data on children with disabilities.

#### Independent monitoring

10. While noting that the State party continues to study the creation of a national human rights institution, and recalling its general comment No. 2 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child and its previous recommendations (CRC/C/BLR/CO/3-4, para. 15), the Committee urges the State party to establish, within a clear timeline, a national human rights institution compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and empowered to receive complaints submitted by children, to monitor children's rights and to provide information to the public on the outcomes of its activities.

#### Dissemination, awareness-raising and training

11. While welcoming the launch of a law website for children ([mir.pravo.by](http://mir.pravo.by)) and the adoption of an ethics code for journalists that encompasses children's rights, the Committee notes that the level of awareness of the Convention in the country remains low, particularly among children, their parents and professionals working with or for children. The Committee therefore recommends that the State party intensify its awareness-raising efforts targeting those groups and include children's rights in the school curriculum.

#### Cooperation with civil society

12. While welcoming the legal amendments aimed at simplifying the procedure for creating public associations and decriminalizing the organization of and membership in unregistered non-governmental organizations (NGOs), including those working on children's rights, the Committee notes that such activities have become subject to administrative liability (article 23.88 of the administrative code). It therefore recommends that the State party:

(a) Remove barriers to NGO registration and operation, including by repealing article 23.88 of the administrative code and aligning the draft law on political parties and public associations with international standards on freedom of association;

(b) Strengthen collaboration with civil society and organizations working for and with children and systematically involve them in developing, implementing,

monitoring and evaluating policies, plans and programmes concerning children's rights, and consider providing funding and financing for NGOs.

#### **Children's rights and the business sector**

13. While welcoming the enactment of the law on public-private partnership and the establishment of the national network of Global Compact participants, and recalling its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, the Committee recommends that the State party further:

(a) Establish and implement regulations to ensure the compliance of the business sector with international human rights and children's rights, enact the law on legal responsibility for corporations and adopt a corporate responsibility index;

(b) Ensure effective monitoring of the above-mentioned regulations and appropriately sanction and provide remedies when violations occur;

(c) Require companies to undertake assessments of, consultations on and full public disclosure of the environmental, health-related and child rights impacts of their business activities and their plans to address such impacts.

### **B. Definition of the child (art. 1)**

14. The Committee recommends that the State party amend its legislation to remove all exceptions that allow marriage under the age of 18 years.

### **C. General principles (arts. 2, 3, 6 and 12)**

#### **Non-discrimination**

15. Noting that the principle of non-discrimination is enshrined in article 6 of the Law on the Rights of the Child and that research is being conducted on the necessity of comprehensive anti-discrimination legislation, and recalling target 10.3 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Establish comprehensive anti-discrimination legislation that ensures protection against all forms of direct, indirect and multiple discrimination, including based on sexual orientation and gender identity;

(b) Ensure that all children have access to education, medical care and social benefits on an equal basis, particularly children living in poverty, rural children, children without parental care, Roma children, migrant and stateless children, children with disabilities and children in institutions;

(c) Remove all barriers for the admission of children living with HIV to educational institutions and to health recovery, including by revising relevant regulations.

#### **Best interests of the child**

16. The Committee welcomes the 2018 study that recommended integrating the principle of the best interests of the child into legislation. Recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee urges the State party to:

(a) Integrate and consistently interpret and apply the right of the child to have his or her best interests taken as a primary consideration in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to and have an impact on children;

(b) Develop procedures and criteria to provide systematic training and guidance for all relevant professionals to assess and determine the best interests of the child in every area and to give this principle due weight as a primary consideration.

### **Respect for the views of the child**

17. The Committee notes with concern that, reportedly, children are at times not considered as rights holders but rather as objects of social protection. Recalling its general comment No. 12 (2009) on the right of the child to be heard, the Committee urges the State party to ensure that children's views are given due consideration in the family, at school, in the courts and in all relevant administrative and other processes concerning them, including parental and alternative care, adoption and migration matters. It also recommends that the State party encourage, promote and support the participation of all children in adolescent parliaments, paying particular attention to children in vulnerable situations; make the selection process more transparent and democratic; and allocate adequate financial support to all young people's organizations.

## **D. Civil rights and freedoms (arts. 7, 8 and 13–17)**

### **Nationality**

18. While welcoming the 2015 amendments to the law on citizenship that provide for a citizenship entitlement for children born in Belarus to stateless parents temporarily residing there, the Committee, recalling target 16.9 of the Sustainable Development Goals, recommends that the State party:

- (a) Intensify the collection of data on stateless children, disaggregated by age, sex, country of origin or former habitual residence and residence in Belarus;
- (b) Further strengthen the prevention of statelessness among children, including by extending protection to children born to undocumented stateless parents;
- (c) Ensure that all stateless children have access to education and health care;
- (d) Consider ratifying the Convention relating to the Status of Stateless Persons, the Convention on the Reduction of Statelessness, the European Convention on Nationality and the Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession.

### **Right to privacy**

19. Noting the insufficient protection of children's right to privacy and personal information, the Committee recommends that the State party:

- (a) Establish safeguards against arbitrary or unlawful interference with privacy, in accordance with article 16 of the Convention;
- (b) Ensure the monitoring of those safeguards with respect to children, including in schools, alternative care, adoption processes and the media;
- (c) Provide effective remedies in cases of violations;
- (d) Develop and apply child-friendly procedures for obtaining informed consent from children.

## **E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

### **Violence, including corporal punishment**

20. Noting the reinstallation of the national hotline for violence against children and the steps taken to address domestic violence, the Committee is seriously concerned about:

- (a) The lawfulness of corporal punishment at home and in alternative and day-care settings, which is largely condoned and practised;
- (b) The withdrawal of the draft law on domestic violence, which would have prohibited corporal punishment;

- (c) The absence of liability for any forms of violence that do not leave physical marks;
- (d) Widespread use of violent and degrading means of discipline, which contributes to peer and intergenerational violence, crime and suicide among children;
- (e) Prevalent peer violence, including bullying, in schools, institutions and communities and online, especially in relation to lesbian, gay, bisexual and transgender children and children with disabilities;
- (f) Underreporting of cases of violence against children, especially in institutions and by police, and the impunity of perpetrators;
- (g) Insufficient rehabilitation services for child victims of violence, including a lack of an effective helpline.

21. **Recalling its general comments No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and No. 13 (2011) on the right of the child to freedom from all forms of violence, as well as target 16.2 of the Sustainable Development Goals, the Committee urges the State party to:**

- (a) **Explicitly prohibit corporal punishment, in law and in practice, in all settings;**
- (b) **Resume consideration of the draft law on domestic violence, in broad consultation with civil society, with a view to its adoption;**
- (c) **Establish liability for all forms of violence against children, including psychological abuse and physical forms of violence that do not leave physical marks;**
- (d) **Formulate, with the involvement of children, a comprehensive strategy for preventing, combating and monitoring all forms of violence against children, including bullying and online violence, paying particular attention to lesbian, gay, bisexual and transgender children and children with disabilities;**
- (e) **Train parents, teachers, professionals working with and for children and the public in, and conduct awareness-raising activities on, positive, non-violent forms of child-rearing discipline and respect for children's right to human dignity and physical integrity, with a view to eliminating the acceptance of corporal punishment and promoting zero tolerance of violence against children, as well as non-violent communication and conflict mediation;**
- (f) **Encourage the reporting of all forms of violence against children and establish accessible, confidential, child-friendly and effective reporting channels;**
- (g) **Develop effective mechanisms, procedures and guidelines and build the capacity of the professionals concerned to ensure early identification and prompt and mandatory reporting of all cases of violence against children, taking into account a gender perspective;**
- (h) **Ensure that cases of violence against children are investigated and prosecuted and that perpetrators are brought to justice;**
- (i) **Develop programmes and policies for the prevention, recovery and social reintegration of child victims, including by ensuring an effective nationwide three-digit toll-free 24-hour helpline operated by competent and independent specialists that allows for prompt referrals, and promote awareness of how children can access the helpline;**
- (j) **Strengthen the collection of data on all forms of violence against children;**
- (k) **Allocate adequate human, financial and technical resources for implementing the above-mentioned recommendations.**

#### **Sexual exploitation and abuse**

22. The Committee is seriously concerned about:

- (a) A significant increase in child sexual exploitation and abuse, particularly online and in relation to boys and children with disabilities, in the context of the expansion of Internet coverage;
- (b) Societal and parental tolerance towards sexual relationship between adults and children, including online, in some regions;
- (c) The limited capacity among relevant professionals for providing appropriate assistance to child survivors of sexual exploitation and abuse;
- (d) Underreporting of child sexual exploitation and abuse.

23. **The Committee urges the State party to:**

- (a) **Take all measures necessary to prevent and respond to all manifestations of child sexual exploitation and abuse, including online, pornography and grooming, especially in relation to boys and children with disabilities; identify the root causes of the significant increase in online abuse; and strengthen the professional capacity and software tools to detect and investigate such abuse;**
- (b) **Conduct awareness-raising activities to alert society, parents and schools about the harmful effects and possible criminal nature of any sexual relationships between children and adults and about online risks;**
- (c) **Build the capacity of teachers, social workers, health-care specialists, law enforcement, border and immigration officers and other relevant professionals to identify, refer and/or provide appropriate assistance for child victims;**
- (d) **Ensure accessible, confidential, child-friendly and effective channels for reporting sexual offences;**
- (e) **Ensure that child sexual abuse is promptly reported, investigated and prosecuted, applying a child-friendly and multisectoral approach to avoid the retraumatization of the child victim, and ensure appropriate remedies, treatment and support and that perpetrators are duly sanctioned.**

**Harmful practices**

24. The Committee notes that the marriage of girls under 18 is prevalent in the Roma community. Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2019) and target 5.3 of the Sustainable Development Goals, the Committee urges the State party to prevent and eradicate this practice, particularly by:

- (a) **Conducting awareness-raising campaigns and programmes on the harmful effects of child marriage on the physical and mental health and well-being of girls, targeting the Roma community;**
- (b) **Encouraging the reporting of child marriage and establishing protection schemes for victims who file a complaint.**

**F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

**Family environment**

25. The Committee is concerned about the system for childcare and protection being fragmented under three ministries, commissions for minors and guardianship authorities and about its capacity to provide effective and child-focused measures to assist and support families to care for children and prevent separation. It is also seriously concerned about:

- (a) The insufficient training of professionals who manage the reported cases, which could result in arbitrary separations that are not in the best interests of the child, and in the creation of psychological pressure on families, resulting in incidences of filicide and maternal suicide;

- (b) Children's placement in temporary care for six months without judicial review;
- (c) Deprivation of parental rights that could be applied as a measure to punish parents;
- (d) Insufficient measures to facilitate the reintegration of children into their families, including with respect to how the parents' maintenance obligation is interpreted in cases of separation;
- (e) Insufficient provision and coordination of child- and family-centred social services, including training in positive parenting skills, as well as insufficient incentives for fathers to participate actively in parenting.

**26. The Committee urges the State party to:**

- (a) **Consider creating a unified structure for coordinating child and family assessment by restructuring and strengthening the social pedagogical centres and territorial social protection services in order for them to undertake professional assessments of the social welfare of children and their families;**
- (b) **Build the capacity of the social service workforce for children and families to incorporate a case management approach, adopt sufficient tools, guidelines and quality standards for social work and ensure systemic and regular training of all professionals involved in case work;**
- (c) **Ensure that children are separated from their family only if it is necessary for their best interests and subject to judicial review, in accordance with article 9 (1) of the Convention, and that poverty and disability are never the justification for removing a child from parental care;**
- (d) **Ensure that the deprivation of parental rights is used as a last resort and solely in the best interests of the child, and address the punitive function of the child support obligation;**
- (e) **Address social vulnerabilities leading to separation and intensify the provision and coordination of social services, which should be child- and family-centred, and develop community-based family support services, with a view to strengthening families as safe environments for children, facilitating returns and reducing reliance on alternative care;**
- (f) **Further promote equal parenting, including by clarifying the entitlement of fathers to paternal leave and encouraging fathers to use it, and monitor the practice;**
- (g) **Seek technical assistance from the United Nations Children's Fund (UNICEF) for the implementation of the above recommendations.**

**Children deprived of a family environment**

27. The Committee welcomes the deinstitutionalization process and the development of family-based care. However, it is concerned about:

- (a) The lack of a coordinated deinstitutionalization strategy and an action plan;
- (b) An increasing number of children with disabilities in residential care;
- (c) Insufficient coverage of family-based care, especially for children with disabilities;
- (d) The need to strengthen and harmonize the legal framework and practice regarding foster care and family-type children's homes;
- (e) The insufficiency of efforts to increase the standards of institutional care in order to protect children's rights and ensure regular monitoring of placement.

**28. Drawing its attention to the Guidelines for the Alternative Care of Children, the Committee recommends that the State party:**

- (a) **Adopt, with the involvement of civil society, a comprehensive strategy on childcare reform as an integral part of the State programmes for 2021–2025, with the allocation of adequate human, financial and technical resources, that phases out**

**institutionalization and strengthens the family-based alternative-care responses, paying particular attention to children with disabilities;**

(b) **Direct efforts towards enabling children to remain in or return to the care of their parents, by ensuring that parents and other family members have access to support in their caregiving role and are able to provide safe, stable and nurturing care for their children, including through child-sensitive social protection policies and services;**

(c) **Harmonize legislation and practices applying to foster families and family-type homes, and ensure that medical and rehabilitation costs for children in foster care are covered from the State budget;**

(d) **Ensure periodic review of the placement of children in alternative care and monitor the quality of care, including by providing accessible channels for children to report violence and maltreatment, as well as investigate cases, hold the perpetrators accountable and provide children with adequate remedies;**

(e) **Provide premises and opportunities for children in alternative care to maintain direct contact with their parents.**

#### **Children of incarcerated parents**

29. **The Committee recommends that the State party harmonize its laws and regulations to protect the children of incarcerated parents and the visitation rights of those children.**

### **G. Children with disabilities (art. 23)**

30. The Committee notes the adoption of the action plan on the implementation of the Convention on the Rights of Persons with Disabilities and of the policy framework and action plan for inclusive education. It also notes that the draft law on the rights of persons with disabilities and revisions to the draft education code are pending before the parliament. However, the Committee remains seriously concerned about:

(a) Discrepancies in the definitions related to disabilities, which are also reflected in the collection of data, that make it difficult to comprehensively assess and address the number and situation of children with disabilities, including in mainstream education;

(b) Insufficient coordination of policies related to children with disabilities, in particular regarding family outreach, rehabilitation programmes and family-centred services;

(c) The high number of children with disabilities in institutions, in the absence of family-based care solutions;

(d) Insufficient support for children with disabilities in their transition to adulthood;

(e) Widespread discrimination of, stigmatization of and violence against children with disabilities.

31. **Recalling its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:**

(a) **Adopt a single definition of disability based on the Convention on the Rights of Persons with Disabilities and make use of the International Classification of Functioning, Disability and Health: Children and Youth Version;**

(b) **Organize the systematic and comprehensive collection of data on children with disabilities, including in education;**

(c) **Ensure improved coordination between authorities, strengthened inclusive policies, in particular those on inclusive care and education, and the provision of adequate financial, human and technical resources;**

(d) Strengthen support for parents of children with disabilities to ensure the right of those children to grow up in a family environment, and develop family-based care solutions for children with disabilities deprived of a family environment;

(e) Further strengthen early identification of disability and age-appropriate rehabilitation interventions, improve information outreach for parents of children with disabilities and develop programmes to support children with disabilities in transition to adulthood to help them start an independent life;

(f) Undertake awareness-raising campaigns to combat the stigmatization of and prejudice against children with disabilities and to promote a positive image of such children, and ensure the investigation of, and an adequate response to, cases of violence.

## **H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

### **Health and health services**

32. The Committee commends the further reduction in mother, newborn and child mortality, the elimination of mother-to-child transmission of HIV and congenital syphilis and the reduction in child mortality related to accidents, trauma or accidental poisoning. Recalling its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and targets 2.2, 3.8, 3.9 and 3.c of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Increase its health-care budget and allocations for children's health;

(b) Improve the quality of health-care services, including obstetrics, and ensure that children's specific needs are taken into account in the provision of in-patient care;

(c) Intensify its efforts in the area of prevention, early detection and timely treatment of thyroid conditions and other diseases related to, inter alia, nuclear contamination;

(d) Identify and effectively address the causes of child malnutrition, including obesity, underweight, diabetes and vitamin and iodine deficiency; develop and monitor policies and programmes on child food security and nutrition, including school meal programmes and programmes addressing infants and young children; and regulate the marketing of unhealthy foods to children.

### **Mental health**

33. The Committee notes that children between the ages of 15 and 17 experience high mental distress and that the incidence of mental health issues and suicide in this age group increased between 2015 and 2017, with suicide being the main cause of adolescent mortality. Recalling target 3.4 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Conduct research into the root causes of suicide among children and address them through targeted and comprehensive policies, psychological, educational and social measures and therapies for children, families and the public at large;

(b) Based on the results of the above-mentioned research, develop a suicide prevention strategy, paying particular attention to children, that focuses on reducing stress, improving mental well-being, promoting healthy lifestyles and physical activity and strengthening social protection and community services, and that takes into account best practices implemented in other countries;

(c) Build the capacity of teaching personnel to identify, support and refer children experiencing mental distress, improve access, including in schools, to psychological and psychiatric services that are child-friendly; encourage children to seek such services and ensure that they can do so without stigma.

### Adolescent health

34. The Committee welcomes the efforts of the State party to reduce the incidence of sexually transmitted infections and the abortion rate among children, and the adoption of the national strategy on the improvement of child and adolescent health. Recalling its general comments No. 4 (2003) on adolescent health and development in the context of the Convention and No. 20 (2016) on the implementation of the rights of the child during adolescence and targets 3.5 and 5.6 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Strengthen its efforts to prevent and address the incidence of alcohol and tobacco addiction, including by providing children and adolescents with accurate and objective information and life skills education on preventing substance abuse, and develop specialized accessible and youth-friendly drug-dependence treatment and harm-reduction services;

(b) Adopt a comprehensive sexual and reproductive health policy for adolescents and introduce sexual and reproductive health education into the mandatory school curriculum, with a focus on non-discrimination and sexual and reproductive rights, directing special attention to preventing adolescent pregnancy, high-risk sexual behaviour, HIV/AIDS and sexually transmitted infections and to the issues of sexual orientation and gender identity;

(c) Improve adolescents' access to contraceptives, confidential testing for sexually transmitted infections and HIV, and counselling without parental consent;

(d) Train health professionals to support lesbian, gay, bisexual and transgender children;

(e) Include provisions on youth-friendly health centres in health-related regulations, and establish youth-friendly health units in children's polyclinics.

### Standard of living

35. The Committee notes the increase in childcare benefits and targeted social assistance for large and single-parent families. Recalling target 1.3 of the Sustainable Development Goals, the Committee reiterates that the State party should ensure an adequate and sustainable standard of living for all children within its territory, particularly the ones in the most vulnerable situations, and recommends that it:

(a) Apply the multidimensional child poverty approach to measure child poverty and to develop a national poverty reduction strategy and budget with a particular focus on children and families in situations of vulnerability;

(b) Ensure that all children have access to social protection, in law and in practice, and amend the Law on the Rights of the Child accordingly;

(c) Strengthen support programmes for large and single-parent families, parents of children with disabilities and children without parental care;

(d) Develop and enforce a mechanism for recovering child maintenance, in accordance with article 27 (4) of the Convention.

## I. Education, leisure and cultural activities (arts. 28–31)

### Education, including vocational training and guidance

36. Welcoming the increase in preschool coverage, the Committee recalls targets 4.2 and 4.5 of the Sustainable Development Goals and recommends that the State party:

(a) Remove barriers preventing Roma children from gaining access to education, including by raising awareness of the importance of education and school registration requirements among the Roma community and facilitating parents' access to documents required for school registration for their children;

- (b) Ensure that all children with disabilities progressively have access to inclusive education, and ensure inclusive education in integrated classes, including by: (i) training and assigning the number of specialized teachers and assistants necessary to provide individual support to children with disabilities in order to keep them in inclusive education; (ii) providing assistive technologies and devices; (iii) developing individual education plans; and (iv) ensuring reasonable accommodation in school infrastructure, places for sport and leisure, school transportation and training;
- (c) Ensure that children in correctional facilities have access to education, including final examinations and certification, and review the education code accordingly;
- (d) Update school curricula, textbooks and teacher-training materials to integrate twenty-first century skills and remove gender-stereotypical content;
- (e) Ensure that girls and boys can choose non-traditional fields of study, and improve career orientation for all children, paying particular attention to children with disabilities, to ensure that children's views form the basis for their career choices;
- (f) Expand the availability of preschools, especially in rural areas, strengthen specialized training for preschool teachers and develop a comprehensive and holistic policy of early childhood care and development.

#### Human rights education

37. The Committee recommends that the State party develop a national plan of action for human rights education, as recommended in the framework of the World Programme for Human Rights Education.

#### Rest, leisure, recreation and cultural and artistic activities

38. Recalling its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party strengthen its efforts to guarantee the right of children, including children living in poverty, children with disabilities, children without parental care, and children in situations of migration, to rest and leisure and sufficient time to engage in play and recreational activities that are safe, accessible, inclusive, reachable by public transport, smoke-free and age-appropriate. It also recommends that the State party expand the offer of cultural activities in Belarusian.

### J. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

#### Children in situations of migration

39. Recalling joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families / No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee urges the State party to:

- (a) Develop a legislative framework on undocumented children;
- (b) Establish status determination procedures to ensure the identification and protection of children in situations of migration, including unaccompanied children and separated children;
- (c) Develop a standard protocol on age-determination methods that is multidisciplinary, scientifically based, respectful of children's rights and used only in cases of serious doubt about the claimed age, consider documentary or other forms of evidence available and ensure access to effective appeal mechanisms;
- (d) Integrate the principle of the best interests of the child in legislation and regulations concerning migration, ensure that this principle is given primary consideration in asylum and migration-related procedures, including age and status determination and deportation, and that children's views are duly taken into account

therein, and provide support to families with migration backgrounds to prevent family separation;

(e) **Build the capacity of the authorities to determine and apply the best interests of the child in asylum and migration-related procedures;**

(f) **Ensure that all children in situations of migration, including undocumented and separated children, receive appropriate protection, are informed about their rights in a language they understand, have access to education and health care, including psychosocial support, and are provided with interpretation and free legal aid; and develop comprehensive referral, case management and guardianship frameworks for unaccompanied and separated children;**

(g) **Prohibit immigration detention of children and ensure non-custodial solutions, including foster care and accommodation in specialized open reception centres serviced by trained professionals and providing access to education and psychosocial support, ensure the periodic and independent review of the care and ensure access to complaint procedures.**

#### **Economic exploitation, including child labour**

40. Noting with concern reports of exploitation of children at school and other forms of child labour, and recalling target 8.7 of the Sustainable Development Goals, the Committee recommends that the State party strengthen its efforts to prohibit and eliminate all forms of child labour, and establish and implement monitoring, accountability and rehabilitation mechanisms.

#### **Sale, trafficking and abduction**

41. The Committee welcomes the adoption of the law on trafficking in persons and the regulations for identifying, protecting and rehabilitating victims of trafficking in persons, including children. Recalling target 8.7 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) **Align article 181 of the Criminal Code on trafficking in persons with international law to remove the requirement of coercion;**

(b) **Strengthen the training of professionals concerned on identifying and referring child victims regardless of initial consent, and revise the identification procedures accordingly;**

(c) **Intensify its efforts to investigate and prosecute cases of sale of children, child trafficking and abduction and to sentence the perpetrators appropriately;**

(d) **Provide child victims of trafficking in persons with services specific to their needs, and ensure that all child victims are referred to appropriate services;**

(e) **Allocate adequate resources to the implementation of the above recommendations and provide financial support to civil society organizations working with child victims.**

#### **Administration of child justice**

42. The Committee welcomes the general decrease in convictions and imprisonment among children and the development of the concept of restorative justice. However, it is seriously concerned about:

(a) **The harsh punitive approach being used towards children, with the restorative child justice system remaining to be established;**

(b) **The lack of provisions enabling mandatory participation of lawyers, legal guardians, teachers, psychologists and relevant authorities in administrative and criminal proceedings for child offenders;**

(c) **The lowering, from 16 to 14, of the age of criminal responsibility for drug-related offences, allowing for the detention of very young children;**

(d) **Increased convictions among girls;**

(e) High detention rates, including for long-term detention, especially for drug-related offences, with 11-year-old children being detained in closed institutions and cases of detention with adults during the pretrial period;

(f) The possibility of lengthy prison sentences of up to 20 years even for first-time offending children, especially for drug-related offences;

(g) Inappropriate conditions of detention, especially for children sentenced for drug-related offences, coupled with a lack of access to education and health care, and cases of forced labour.

**43. Recalling its general comment No. 24 (2019) on children's rights in the child justice system, the Committee reiterates that the State party should establish a comprehensive system of child justice with specialized courts, procedures and trained judges, lawyers and law enforcement professionals. It also urges the State party to:**

(a) **Ensure, in law and in practice, the provision of independent and quality legal aid to children alleged or accused of, or recognized as, having infringed criminal law, from the beginning of the investigation;**

(b) **Ensure that children's legal guardians, teachers, psychologists and relevant authorities participate in the proceedings from the outset;**

(c) **Maintain the single minimum age of criminal responsibility for all offences and ensure that children below that age are not treated as offenders and are never placed in closed institutions;**

(d) **Strengthen the prevention of crime and reoffending among children, paying particular attention to girls;**

(e) **Promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences and, as a priority, the use of non-custodial sentences, such as probation or community service;**

(f) **Ensure that deprivation of liberty is used as a measure of last resort and for the shortest possible period of time and that it is regularly reviewed with a view to its withdrawal;**

(g) **In cases where deprivation of liberty is unavoidable, ensure that children and adults are detained separately and that detention conditions are compliant with international standards, including regarding access to health care, education (see also para. 36 (c) above) and the prohibition of forced labour.**

## **K. Follow-up to the Committee's previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention**

### **Optional Protocol on the sale of children, child prostitution and child pornography**

44. Noting the measures taken to protect children from exploitation for prostitution and pornography, the Committee recalls its guidelines, adopted in 2019, regarding the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography and its previous recommendations (CRC/C/OPSC/BLR/CO/1), and urges the State party to:

(a) **Explicitly define and criminalize sale of children, which is not identical to trafficking in persons, and criminalize all acts and activities, including online, of child prostitution and child pornography, in compliance with articles 2 and 3 of the Optional Protocol;**

(b) **Strengthen the systematic training on the provisions of the Optional Protocol for all professional groups working with children in order to improve victim identification and referral;**

(c) **Extend the extraterritorial jurisdiction to child prostitution and child pornography;**

- (d) Ensure that extradition for the offences under the Optional Protocol are not subject to the requirement of double criminality;
- (e) Provide adequate support and recovery services to child victims and ensure access to compensation and redress.

#### **Optional Protocol on the involvement of children in armed conflict**

45. The Committee notes the State party's information about the non-involvement of Belarusian children in hostilities and its plans to increase the minimum age of entry into the Minsk Suvorov Military School. The Committee regrets the lack of information on the implementation of the recommendations contained in its 2011 concluding observations (CRC/C/OPAC/BLR/CO/1) and recalls its previous recommendations, particularly regarding:

- (a) Raising the minimum age of entry into the Minsk Suvorov Military School and abolishing the training in the use of weapons in military schools and units;
- (b) Including peace education in school curricula and teacher training;
- (c) Including a definition of direct participation in hostilities in the Criminal Code;
- (d) Removing the requirement of double criminality for extraterritorial jurisdiction;
- (e) Establishing an identification process for children, including refugee and asylum-seeking children, who may have been recruited or used in hostilities, and ensuring their recovery and reintegration;
- (f) Prohibiting sale and export of small arms and light weapons to countries where children may be involved in armed conflict.

#### **L. Ratification of the Optional Protocol on a communications procedure**

46. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol on a communications procedure.

#### **M. Ratification of international human rights instruments**

47. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments:

- (a) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- (b) The International Convention for the Protection of All Persons from Enforced Disappearance.

#### **N. Cooperation with regional bodies**

48. The Committee recommends that the State party cooperate with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe member States.

## **IV. Implementation and reporting**

### **A. Follow-up and dissemination**

49. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined fifth and sixth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

### **B. Next report**

50. The Committee invites the State party to submit its combined seventh and eighth periodic reports by 30 October 2025 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

51. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.

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