

BELARUS

THE RIGHT TO EDUCATION, ADVANCES AND CHALLENGES

SUBMISSION

for the UN Special Rapporteur on the right to education
by Belarusian Helsinki Committee



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INTRODUCTION

This report is prepared by the Belarusian Helsinki Committee in the framework of the call issued by the Special Rapporteur on the right to education on the topic “The right to education, advances and challenges”.

Founded in 1995, the Belarusian Helsinki Committee (BHC) is one of the oldest human rights defenders’ organization in Belarus. The list of its founders includes the nation’s most prominent leaders such as leading Belarusian writer of the post-Stalin period Vasil’ Bykau, Nobel Prize winner Sviatlana Alexievich.

BHC works mainly on six major human rights topics: discrimination (BHC carries out research and promotes the introduction of special anti-discrimination legislation), human rights based approach (BHC promotes incorporation of human rights instruments in project development at various levels), international human rights mechanisms (BHC promotes the use of the mechanisms by non-specialized human rights organizations and develops electronic resources for assisting these organizations), national human rights mechanisms (BHC examines the legislation and addresses its gaps in order to provide as many protective measures as possible), business and human rights (the topic has never been widely discussed in Belarus, and BHC, in fact, is pioneering business and human rights), death penalty (BHC carries out research and opens new aspects of death penalty such as overall brutalization of societies in which death penalty is practiced, for those interested).

BHC has an extensive expertise in human rights. The organization has prepared hundreds of proposals to state bodies on improving legislation and practice in the field of human rights. Dozens of reports and communications to the UN Special Procedures, treaty bodies were sent in order to strengthen the rule of law and good governance. For many years, BHC contributes to the ability of Belarusian NGOs to effectively work on reporting to UN mechanisms and on advocacy in dialogue with the government. In 2022 BHC received special consultative status with the UN ECOSOC. Among other things, BHC helps NGOs to use UN mechanisms through training, support and creating special web resources for NGOs.

In 2022 BHC issued an [analytical report “On some children's rights violations in Belarus”](#), where BHC addressed some issues on children’s right to education and its challenges, the spread of ideological education in schools and its violation of certain children’s rights. In particular, the report deals with violation of children’s right to freedom of expression, thought and conscience, right to private life and right to health in the context of children’s expression of political opinions, demonstrative detentions in schools and participation of children in “penitential” videos after the detention.

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1. ASSESSING THE ACHIEVEMENTS MADE BY THE MANDATE OF THE SPECIAL RAPPORTEUR ON THE RIGHT TO EDUCATION OVER THE LAST 25 YEARS

1.1 In your country, are education issues approached through the lens of the human right to education, and if so, with what challenges and results? In your view, what is the added value of such an approach in your work?

1.1.1 Overall trends in education in Belarus over the last 25 years in the context of the right to education

1. Belarus has always positioned itself as a “social state” - a state with a developed social policy, where taking care of children is one of priorities.
2. At the same time, the preservation and enhancement of the legacy of the Soviet system of governance in Belarus, in addition to disrespect for civil and political rights, distorts the meanings of social, economic and cultural ones, turning concern for the people mostly into populism. Educational system in general aims to **formation a person loyal to the state**, to whom “the state gives everything” and therefore can demand from him everything that it needs when it is necessary. Especially it concerns schools as the most hierarchical structures with a patriarchal approach to management in Belarusian educational system.
3. The school system in Belarus, in principle, presumes that the child should absorb and agree with everything that teachers say, not discuss or reflect on it.¹ Children and students, are seen by the system **as objects to take care of**, but not subject of their human rights. Hatred and discrimination against certain social groups (direct or indirect) are rooted in the regime and educational process due to dependence and loyalty of teachers to top-down decisions.
4. Importantly, the Committee on the Right of the Child in its latest report on Belarus (2020) called on Belarus to revise its approach (including legislation) to ensure that children are considered as subjects of rights rather than objects of State protection². By 2023, no changes in the paradigm have been made. Such paradigm and lack of human rights based approach leads to **the incorrect understanding of the central aim of education**.
5. According to the General Comment No. 13 “The right to education (art. 13 of the Covenant)” the Committee on Economic and Social and Cultural Rights reiterates Universal Declaration on Human Rights (art.26 (2)), interprets and complements the objectives of education as following:

¹ Analytical report “On some children’s rights violations in Belarus”, Belarusian Helsinki Committee, 2022, summary in English, p. 6,

https://belhelcom.org/sites/default/files/violation_of_the_rights_of_the_child_belarus_1_0.pdf

² Concluding observations on the combined fifth and sixth periodic reports of Belarus, 2020, CRC/C/BLR/CO/5-6, <https://documents-ddsny.un.org/doc/UNDOC/GEN/G20/053/93/PDF/G2005393.pdf?OpenElement>, para. 5

“Education shall be directed to the full development of the human personality, its “sense of dignity”, it shall “enable all persons to participate effectively in a free society”, and it shall promote understanding among all “ethnic” groups, as well as nations and racial and religious groups”³.

6. Belarus is the party to the Covenant (ratified on 12 Nov 1973)⁴. **Formally**, Belarus implemented provisions from the Covenant, in particular on the right to education. One could find certain provisions on the right to education in the Constitution of the Republic of Belarus⁵, the Educational Code (amended on 14 January 2022)⁶, where commitment to the full development of the human personality, non-discrimination in education and inclusion is reaffirmed (Educational Code, art. 2-3). However, **in practice** State does not understand human rights as minimal legal standards. Moreover, in practice (as well as due to the most legal documents defining educational policy) the objective of a person’s education as a citizen of the State seems to be raising a standardized professional serving State’s economy rather than an assistance in a formation of a free person who has the conditions for full development of his or her personality.
7. The forms and methods of education systematically used in Belarusian schools are accompanied by **various forms of coercion, the imposition of one point of view, insults, intimidation**.⁷
8. In 2019 the state widened the responsibility of the school and teachers in terms of children’s private life. If before 2019 teachers were responsible for education process and after-school activities, in 2019, when the decree of the Council of Ministers of January 15, 2019 “On the recognition of children in a socially dangerous situation” was adopted⁸, the school and teachers were charged with some of the quasi-police responsibilities. According to the decree, they were obliged to come home to the child who supposedly was living in “socially dangerous situation” and start the social investigation case. If the Commission at school decides that the child is living in a “socially dangerous situation”, in 3 days he or she is taken to an orphanage. Such cases are of complex and sensitive nature with high level of subjectivity. Sometimes the school commissions on the investigation use **the principle of best interests of the child** to manipulate parents or a

³ General Comment No. 13 “The right to education (art. 13 of the Covenant), para.4, <https://www.ohchr.org/en/resources/educators/human-rights-education-training/d-general-comment-no-13-right-education-article-13-1999>

⁴ Ratification Status for International Covenant on Economic, Social and Cultural Rights, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/treaty.aspx?treaty=cescr&lang=en

⁵ Constitution of the Republic of Belarus, <https://president.gov.by/ru/gosudarstvo/constitution>

⁶ Educational Code of the Republic of Belarus, 14.01.2022, <https://pravo.by/document/?guid=12551&p0=H12200154&p1=1&p5=0>

⁷ Analytical report “On some children’s rights violations in Belarus”, Belarusian Helsinki Committee, 2022, summary in English, https://belhelcom.org/sites/default/files/violation_of_the_rights_of_the_child_belarus_1_0.pdf; full document in Russian, https://belhelcom.org/sites/default/files/dzieci-2022_v5.pdf

⁸ On the recognition of children in a socially dangerous situation, Decree of the Council of Ministers, 2019, <https://pravo.by/document/?guid=12551&p0=C21900022&p1=1>

child. Before 2020 this instrument was used as a tool for repressions against families occasionally.

9. Since 2015 Belarus was a part of **the Bologna process**, therefore the educational process, grade system, three-cycle higher education system consisting of bachelor's, master's and doctoral studies was mostly reformed in line with its recommendations. Some steps were made in terms of inclusivity and accessibility of higher education.
10. During 25 years the State focused on **step-by-step erosion of private universities**, which flourished in the early years of independence. Nationalization occurred by closing a number of institutions and enacting stringent requirements for the establishment of such universities, licenses for the provision of educational services. In 2004 European Humanities University was closed by state's authorities and was relocated to Vilnius, Lithuania⁹. By 2023 there are 9 private universities. The quality of education provided and personnel competences of such universities are pretty low. image of such universities is stigmatized.
11. During the history of Belarus as an independent state, there was no **human rights education** with comprehensive methodology at schools. At the university level, there are several institutions where international human rights law and some other related disciplines are taught. However, after 2020 due to repressions of the most professional law professors and their unlawful dismissals, the quality of such teaching as to now is under concern.
12. **Sexual and reproductive health and rights education** is partly provided in biology classes at school, but the content is far from up-to-date concepts. Such education mostly reiterates gender stereotypes.
13. Educational system generally works for the child, who is considered "normal", **the system** in many aspects **is not inclusive**. In 2016 Convention on the Rights of Persons with Disabilities was ratified by Belarus¹⁰, in 2022 the law "On the Rights of Persons with Disabilities" was adopted at the national level¹¹. However, full correspondence of this law to the Convention and implementation of such law in practice is in question. By 2023 no positive changes were made in terms of children with disabilities and adaptivity of educational process to their needs. Generally, vulnerable groups, except children with disabilities, are in the "grey" zone for the State¹².
14. When it comes to **civil society participation in decision making** in the sphere of education, before 2020, generally, the State was open for cooperation and discussions of certain

⁹ <https://ru.ehu.lt/o-nas/istoriya/>

¹⁰ Ratification Status of the Convention on the Rights of Persons with Disabilities, <https://indicators.ohchr.org/>

¹¹ Law "On the Rights of Persons with Disabilities", <https://pravo.by/document/?guid=12551&p0=H12200183&p1=1&p5=0>

¹² In details, with several examples on vulnerable groups - see Question 2 below.

educational topics. However, the State used only those recommendations that were in line with direction decided at the higher level.

1.1.2 Rapid decline in Belarusian educational system after the presidential election in August 2020

15. After August 2020, school and university are massively used as **the means of the state's ideological work** toward children and students under the mark of "patriotic education". There are systemic and constant violations of the right to information, freedom of expression, freedom of thought and conscience, freedom from all forms of physical or psychological violence, insult or abuse, the right to privacy, non-discrimination standard.¹³
16. As the result of repressions towards non-loyals and the fear to be subjected to state's violence, there is **censorship** within school and university and **self-censorship** by children, students and teachers¹⁴. **Almost no academic freedom is left**. In 2022 Belarus left the Bologna process, which negatively affects students' and professors' educational opportunities, mobility and cooperation between universities around the World.
17. The forms and methods of education have been supplemented by the activation of encouragement of **the cult of force and militarism, inciting hatred against certain social groups** (people with opposite political views) **and national groups** (imposing the myth of "Ukrainian fascists")¹⁵. This trend is gaining momentum in connection with the war in Ukraine and the position of Belarusian authorities including direct assistance to Russia. Moreover, with the beginning of the Russian invasion into Ukraine and the outbreak of war in February 2022, the movement towards **military patriotic education** in Belarusian schools reached an unprecedented level. On May 4, 2022, Alexander Lukashenko signed a decree on the development of military-patriotic clubs. Their goal is "civil and patriotic education of children and youth, increasing their motivation to serve in the army, law enforcement and emergency situations agencies [...]".¹⁶ Raising children in the spirit of patriotism is an acceptable goal that does not contradict standards and generally accepted practices. However, in the current Belarusian reality, in fact, patriotic education is part of the system of forming a person's values, focused on the rule of the state and the power of the "strong", and not on the rule of law and respect for the individual.¹⁷

¹³ Analytical report "On some children's rights violations in Belarus", Belarusian Helsinki Committee, 2022, summary in English, https://belhelcom.org/sites/default/files/violation_of_the_rights_of_the_child_belarus_1_0.pdf; full document in Russian, https://belhelcom.org/sites/default/files/dzieci-2022_v5.pdf

¹⁴ Index on Human Rights in Belarus, the right to education, Belarusian Helsinki Committee, 2021, <https://index.belhelcom.org/>

¹⁵ Analytical report "On some children's rights violations in Belarus", Belarusian Helsinki Committee, 2022, summary in English, https://belhelcom.org/sites/default/files/violation_of_the_rights_of_the_child_belarus_1_0.pdf; full document in Russian https://belhelcom.org/sites/default/files/dzieci-2022_v5.pdf

¹⁶ Decree of the President of the Republic of Belarus № 160 "On the development of military-patriotic clubs", May 4, 2022: <https://president.gov.by/bucket/assets/uploads/documents/2022/160uk.pdf>

¹⁷ Analytical report "On some children's rights violations in Belarus", Belarusian Helsinki Committee, 2022, summary in English,

18. **By 2023 there is almost no institutional autonomy left**, (policies, decisions are “top-down”, the focus on “loyal”, staff shortage due to politically motivated dismissals at schools and universities¹⁸).
19. **Private schools** have difficulties to survive as the state, starting from 2004, continuously shuts it down¹⁹. This is widespread practice after August 2020²⁰.
20. **The erosion of social businesses** (language courses, centers for additional education for children and adults) dealing with non-formal education, left people with no opportunity to choose the education they want. For example, European College of Liberal Arts, which was established to provide comprehensive education in several disciplines based on methodology of liberal arts (which is far away from formal education and based on up-to-date sources of information with orientation on the needs of person rather on the need of system), was forced to close due to civil society repressions started in 2021.
21. **After the start of repressions towards civil society organizations in Spring 2021, almost all organizations and initiatives that have dealt with non-formal education were closed.** This negatively affected human rights education, as in the majority of cases (except for some disciplines taught at the university for certain specializations) human rights education (as well as sexual and reproductive education) was provided to children and adults by such organizations and initiatives. Moreover, **operation of such organizations and initiatives became again** (in 2019 it was abolished)²¹ **criminalized** due to the amendment to the Criminal Code in 2021, where participation in non-registered organization constitutes criminal offence (art. 193¹)²².
22. **After 2020 new vulnerable groups were targeted** including children²³ and students with oppositional political views²⁴, children of parents who publicly express their political views.

https://belhelcom.org/sites/default/files/violation_of_the_rights_of_the_child_belarus_1_0.pdf; full document in Russian, https://belhelcom.org/sites/default/files/dzieci-2022_v5.pdf

¹⁸ Monitoring of cases see here: <https://nash-dom.info/110195>

¹⁹ <https://www.dw.com/ru/monopolia-na-znania-pocemu-v-belarusi-zakryvaut-castnye-skoly/a-63286630>

²⁰ Index on Human Rights in Belarus, the right to education, Belarusian Helsinki Committee, 2021, <https://index.belhelcom.org/>

²¹ <https://www.lawtrend.org/freedom-of-association/ugolovnaya-otvetstvennost-za-organizatsiyu-i-uchastie-v-nezaregistrovannyh-organizatsiyah>

²² Criminal Code of the Republic of Belarus, as amended and supplemented on May 26, 2021, <https://pravo.by/document/?guid=3871&p0=hk9900275>

²³ Analytical report “On some children’s rights violations in Belarus”, Belarusian Helsinki Committee, 2022, summary in English, https://belhelcom.org/sites/default/files/violation_of_the_rights_of_the_child_belarus_1_0.pdf; full document in Russian https://belhelcom.org/sites/default/files/dzieci-2022_v5.pdf

²⁴ Committee on Economic, Social and Cultural Rights in its Concluding observations on the 7th periodic report of Belarus (2022) highlighted this issue, paras. 41d, 42, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FBLR%2FCO%2F7&Lang=en

23. Standardized syllabuses are controlled by the Ministry of Education, **there is no space for adaptivity to the needs of particular student**²⁵.
24. After 2020 the State systematically abuses **the principle of best interests of the child** enshrined in the Convention on the rights of the child as a means of threat to parents with political views that are opposite to the regime. By August 2022, there were at least 24 cases, when the state officials and the school threatened to take away a child from a family in his or her best interest while fabricating the reasons for this decision. The victims of these actions said that claims against them arose for “improper care of children”, “letter from the police”, “threat to the life of a child”. The reason could even be the distance learning due to coronavirus. But in fact, the matter is the persecution of parents **on political matters**.²⁶
25. After the presidential elections in August 2020 and the following repressions of civil society organizations²⁷, **there is no possibility left for cooperation**. The state has ignored the recommendations of the Committee on the Rights of the Child (2020) to cooperate with civil society²⁸.
26. To sum up, the right to education is not implemented through the human rights lenses, the state distorts the meanings of social, economic and cultural human rights as well as it disrespects civil and political rights. After August 2020, trends mentioned above have been reinforced.
27. It's important to stress, that the situation with right to education in Belarus after 2020 turned into such a way, that the state not just does not comply with its direct human rights obligations because of the lack of resources or understanding, but intentionally and consciously creates conditions for violating the right to education for the achievement of the political goals of the existing regime.

1.2 How do you assess the 4 A's framework of availability, accessibility, acceptability and adaptability as conditions for realizing the right to education? Is such a framework integrated in legal and policy documents relating to education in your country, as well as used in practice? If not, what are the key obstacles? Should the framework be reviewed to include other dimensions? If so, which?

28. When it comes to **“availability” criterion**, in Belarus there are enough schools and universities, however there is a lack of qualified personnel with the knowledge of

²⁵ Index on Human Rights in Belarus, the right to education, Belarusian Helsinki Committee, 2021, <https://index.belhelcom.org/>

²⁶ <https://euroradio.fm/ru/kak-vlasti-ispolzuyut-sop-chtoby-davit-na-belorusov-cherez-detey>

²⁷ According to Lawtrend NGO, since July 2021, the Belarusian authorities have liquidated more than 300 non-profit organizations, regardless of the nature of their activities (cultural, educational, human rights, social, charitable, etc.). Forced liquidation did not affect pro-government public organizations. About 200 more civil society organizations have decided to self-liquidate. <https://www.lawtrend.org/liquidation-nko>

²⁸ Concluding observations on the combined fifth and sixth periodic reports of Belarus, 2020, CRC/C/BLR/CO/5-6, para. 12, <https://documents-ddsny.un.org/doc/UNDOC/GEN/G20/053/93/PDF/G2005393.pdf?OpenElement>

contemporary methods of teaching. The situation is getting worse after the presidential elections in 2020 and following repressions. Some of the teachers and university professors were forced to leave the country due to fear of repressions and their political views, some of them were dismissed due to their political views, others could not find another job as previously they were dismissed based on political views as there is “top-down” decision not to take those people to work. Moreover, in general, the quality of education in pedagogical universities and the quality of students who go there to study are low²⁹, as a result, the quality of education in schools is also low. The profession of teacher is not attractive, one of the reasons is low salaries³⁰.

29. When it comes to “**accessibility**” **criterion**, primary, secondary education is free for all, higher education is not free generally, but if you could show your potential and get high scores at the entry exams or you won the Olympiads, you would be able to study at the expense of the republican budget. However, “**free**” **higher education** is not free in reality as the student, who was accepted to the university for free due to high grades or having other preferences, prescribed by law, after finishing the university is obliged to work for 2 years at the concrete organization, where he or she has been assigned for by the University. This established practice **could be seen as forced labour**, as the graduate does not choose the place of work (the procedure for determining the graduate's place of work, carried out by a state educational institution in order to meet the needs of state's economic and social sectors in specialists, workers, employees)³¹ and the term of compulsory work on the distribution is 2 years during which graduates are tied to a certain job, which significantly restricts their freedom of choice³². In case, the graduate refuses to do it, he or she will need to pay for all period of studying and return the total of monthly scholarships which have been granted him or her. The same applies for graduates from Master's or PhD programmes, who studied at the expense of the republican budget.
30. Despite the ratification of the Convention on persons with disabilities in 2016, the state has not made any progress when comparing the situation with the period before 2016. There are less than 2% of children with disabilities access higher education³³.

²⁹ Index on Human Rights in Belarus, the right to education, Belarusian Helsinki Committee, 2019-2021, <https://index.belhelcom.org>

³⁰ See in details - Index on Human Rights in Belarus, the right to education, Belarusian Helsinki Committee, 2019-2021, <https://index.belhelcom.org>

³¹ Analytical paper “Practicing “free” education: legalized slavery for young professionals”, Nash Dom, 2021, <https://nash-dom.info/71118>

³² Report of the coalition of Belarusian human rights organizations, Implementation by the Republic of Belarus of International Covenant on Economic, Social and Cultural Rights, 71st session, 2022, https://belhelcom.org/sites/default/files/implementation_by_the_republic_of_belarus_of_international_covenant_on_economic_social_and_cultural_rights.pdf

³³ Index on Human Rights in Belarus, the right to education, Belarusian Helsinki Committee, 2019-2021, <https://index.belhelcom.org>

Non-discrimination principle

31. There is economic inequality between cities and regions³⁴. Digital inequality flourishes between cities and regions, as well as between the rich and the poor.³⁵ Gender inequality is mainstreamed in society, even though in the Labour Code of Belarus there is prohibition of discrimination in labour (art. 14), the list of prohibited professions for women is still in force. This list limits opportunities for girls to decide what profession to choose and where to get this education. The right to education and right to work intersect here. Moreover, admission requirements in terms of passing scores for militarized higher education institutions vary between girls and boys: for girls passing scores and competition are higher in $\frac{2}{3}$ times.³⁶
32. Despite the COVID-19 epidemics of 2020-2021, the state did not come up with remote schooling at those times. Moreover, in 2022 when the Education Code was amended, and the Committee on Economic, Social and Cultural Rights in its concluding observations (2022) recommended to “*develop measures to mitigate and counteract such negative impacts; and ensure that measures are taken to enable children without Internet access to participate in remote schooling when required*”, the remote form of education in Belarusian schools was not established and included in the educational process as well as no actions were made to address digital inequality³⁷.
33. Vulnerable groups, such as children with disabilities, children from rural areas, Roma children, girls, children from national minorities, for example, Polish or Lithuanian minorities, children who want to study in Belarusian language, children³⁸ and students with particular political views³⁹ face discrimination in access to education. The State does not see their needs⁴⁰.

³⁴ The level of poverty of the population in Belarus, Belstat, <http://dataportal.belstat.gov.by/Indicators/Preview?key=128959>

³⁵ Index on Human Rights in Belarus, the right to education, Belarusian Helsinki Committee, 2019-2021, <https://index.belhelcom.org>

³⁶ For example, see Competition and passing scores at “Military Academy of the Republic of Belarus” in 2021, p.15, <https://ostrovets.grodno-region.by/uploads/files/Porjadok-priema-v-VA-RB-2022-g.pdf>

³⁷ Even though Committee on Economic, Social and Cultural Rights in its Concluding observations on the 7th periodic report of Belarus (2022) was concerned about it, paras. 41f, 42. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FBLR%2FCO%2F7&Lang=en

³⁸ Analytical report “On some children's rights violations in Belarus”, Belarusian Helsinki Committee, 2022, summary in English, https://belhelcom.org/sites/default/files/violation_of_the_rights_of_the_child_belarus_1_0.pdf; full document in Russian https://belhelcom.org/sites/default/files/dzieci-2022_v5.pdf

³⁹ Committee on Economic, Social and Cultural Rights in its Concluding observations on the 7th periodic report of Belarus (2022) highlighted this issue, paras. 41d, 42, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FBLR%2FCO%2F7&Lang=en

⁴⁰ Ibid.

34. Non-availability of specialists in schools who work with children with disabilities, due to political persecutions after 2020, overall level of education for such specialists⁴¹ and lack of state's focus on children with disabilities leads to lower percentage of children with disabilities who go to elementary and then to secondary school. The state does not strive to progressively implement the Convention on persons with disabilities as well as Covenant on Economic, social and Cultural Rights. As a result, majority of parents had to take their children to homeschooling⁴².
35. Children with outstanding accomplishments at school do not have wide range of opportunities to develop themselves, their special need are outside of the State's focus. For instance, in 2022 the State decided to close 2 lyceums in Minsk (in total, 3 lyceums left in the whole state), which for many years "supplied" talented applicants to universities. The Ministry of Education explained to teachers that lyceums as such have become obsolete as there are gymnasiums and schools with specialized classes⁴³. On the other hand, gymnasiums essentially became secondary schools when the selection based on exams for the 5th grade was cancelled. Moreover, according to the new legislation on admission process at the gymnasiums and 10-11th grades at the secondary schools, you could apply for the place at any gymnasium regardless of place of residence. Plus, there is no special competition for specialized classes in schools either. All mentioned above undermines the reasonableness and adequateness of state's decisions⁴⁴.
36. When it comes to the problem with access to education for Roma children, which was one more time highlighted by the Committee on Economic, Social and Cultural Rights in concluding observations on the 7th periodic report of Belarus (2022)⁴⁵, by 2023 the State has not made any progress to address this issue.
37. Even though Belarusian is a national language and has a status of state official language, the majority of preschools, schools and universities work in Russian; in schools children study Belarusian language and Belarusian literature in 2 times less than Russian language and Russian literature, although both languages are state official languages. State has

⁴¹ In 2020 Committee on the Rights of the Child in its concluding observations on the combined 5th and 6th periodic reports of Belarus stated the need for the state to "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". The state has not made a progress yet. <https://www.ohchr.org/en/documents/concluding-observations/crcblrco5-6-committee-rights-child-concluding-observations>

⁴² Index on Human Rights in Belarus, the right to education, Belarusian Helsinki Committee, 2019-2021, <https://index.belhelcom.org>

⁴³ <https://sputnik.by/20220203/ischem-novuyu-rabotu-pedagogi--o-zakrytii-litseev-v-minske-1060030641.html>

⁴⁴ <https://pravo.by/document/?guid=12551&p0=W22238637&p1=1&p5=0>

⁴⁵ Committee on Economic, Social and Cultural Rights, Concluding observations on the 7th periodic report of Belarus, E/C.12/BLR/CO/7, 24 March 2022, paras. 41b, 42, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FBLR%2FCO%2F7&Lang=en

always been consciously marginalizing Belarusian language, but after 2020 presidential elections, the state's perception of all national symbols including the Belarusian language made people who speak it in everyday life even more vulnerable, as they could be subjected to state's violence even though they did not express their political views.

38. Moreover, book publishers and book stores which specialized on publishing or selling Belarusian literature and literature translated to Belarusian, have been closed by state authorities after the presidential elections⁴⁶. Such closure is the violation of cultural rights and indirectly violates right to education as well as right to seek information.
39. In 2022 Polish and Lithuanian schools and language courses are almost closed⁴⁷. As the state regime considers Poland and Lithuania as enemies from the West, therefore the regime does not want Polish and Lithuanian languages to be spread⁴⁸. The lack of opportunity to study in one's native language is a violation of the right to education and the right of everyone to promote, preserve and fully participate in cultural life⁴⁹.
40. Repression of teachers, professors, students⁵⁰ (for instance, the «Student Case»⁵¹), children (there are several cases when minors were arrested in schools, were detained and sentenced for political reasons⁵²) with political views opposite to the regime is ongoing in 2022. Between August 2020 – 2022, 1479 people from the academia were subjected to repression: almost 500 students faced detentions, 52 were prosecuted; more than 260 students were expelled from universities for political reasons; at least 150 lecturers lost their jobs⁵³. Even though the Committee on Economic, Social and Cultural Rights in concluding observations on the 7th periodic report of Belarus (2022) asked to

⁴⁶ <https://magilev.by/news/2022/10/13/zakrylsya-mogilevskij-knizhnyj-magazin-ranica-on-tozhe-prinadlezhal-oao-mogilevsoyuzpechat>; <https://kaktutzhit.by/news/knizhnye>; <https://nashaniva.com/ru/298068>; <https://euroradio.fm/ru/4-yanvarya-v-ekonomicheskom-sude-minska-budut-zakryvat-izdatelstvo-yanushkevich>; <https://bel-news.by/v-belarusi-zakryvaetsya-knizhnoe-izdatelstvo-knigazbor-kotoroe-prorabotalo-pochti-30-let/>

⁴⁷ <https://www.the-village.me/village/culture/culture-news/292065-lit-pol-school-over>

⁴⁸ Index on Human Rights in Belarus, the right to education, Belarusian Helsinki Committee, 2019-2021, <https://index.belhelcom.org>

⁴⁹ Committee on Economic, Social and Cultural Rights, Concluding observations on the 7th periodic report of Belarus, E/C.12/BLR/CO/7, 24 March 2022, para. 46, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FBLR%2FCO%2F7&Lang=en

⁵⁰ Report of "Association of Belarusian Students", 2022, <https://drive.google.com/file/d/1mgXpG8SN3cBc5m9CKgoj96zs5viHOdy-/view>

⁵¹ «Student Case», <https://zbsunion.by/studpolitsek/en>

⁵² For details see: Analytical report "On some children's rights violations in Belarus", Belarusian Helsinki Committee, 2022, summary in English, https://belhelcom.org/sites/default/files/violation_of_the_rights_of_the_child_belarus_1_0.pdf; full document in Russian https://belhelcom.org/sites/default/files/dzieci-2022_v5.pdf

⁵³ Report of "Association of Belarusian Students", 2022, <https://drive.google.com/file/d/1mgXpG8SN3cBc5m9CKgoj96zs5viHOdy-/view>

“ensure that no students are unjustly expelled, including on the basis of their political opinions, and ensure the right to legal and other redress in case of unjust expulsion”⁵⁴.

41. When it comes to **“acceptability” criterion**, the form and substance of education, including curricula and teaching methods, are out of date⁵⁵. After August 2020, the state approved ideology-based curricula in history of Belarus, where facts about symbols, flag and genocide of Belarusian people were fabricated. By 2023 the state partially has implemented sexual and reproductive health and rights education. In 2020 the Ministry of education adopted the syllabus of the elective course on “The basics of family life” for students in 9 grades, where “traditional values”, understanding gender as biological trait, gender stereotypes and its reinforcement is included⁵⁶. Such outdated understanding of gender, gender equality and sexual and reproductive health and rights leads to exclusion of the interests of girls and women, as well as of the members of LGBTQ+ community.
42. When it comes to **“adaptability” criterion**, education at every level (preschool, school, university), due to state owned nature in the majority of cases and almost lack of open (by 2022) private institutions, depends on the regime’s ideology and its demand. Adaptivity and flexibility work only in case when “top-down” decisions need to be realized, but in case when a person wants to change something in the educational process, adaptivity does not work.

1.3 Has the right to free education been progressively implemented at all levels of education in your country?

43. As was mentioned above, formally the right to free secondary and technical education is enshrined in the art. 49 of the Constitution. However, in practice, parents have to pay for sanitation suppliers, books, school renovations, etc., which should be provided by State free of charge. Higher and specialized secondary education formally could be considered as above the minimum international standard, as in the Constitution stated that *“everyone may, on a competitive basis, receive the relevant education free of charge from State educational institutions”*. However, in practice, as it was stated above in the text, “free” higher education is not free in reality as the student, who was accepted to the university for free due to high grades or having other preferences, prescribed by law, after finishing the university is obliged to work for 2 years at the concrete organization, where he or she has been assigned for by the University.⁵⁷

1.4 To what extent are the non-discrimination and equality principles respected in implementing the right to education in your country? Have past recommendations made by

⁵⁴ Committee on Economic, Social and Cultural Rights, Concluding observations on the 7th periodic report of Belarus, E/C.12/BLR/CO/7, 24 March 2022, para. 42, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FBLR%2FCO%2F7&Lang=en

⁵⁵ For details – see Index on Human Rights in Belarus, the right to education, Belarusian Helsinki Committee, 2019-2021, <https://index.belhelcom.org>

⁵⁶ <https://adu.by/images/2022/02/Martynova-osn-semejnzhitni-9kl.pdf>

⁵⁷ In details – see above the section on “accessibility” criterion.

the special rapporteur on the right to education of vulnerable and marginalized populations been taken into account?

44. For details about non-discrimination and equality principles, 4 “A” – see information provided above.
45. Moreover, it should be noted that the State and its officials do not understand and use human rights as a set of values.
46. Belarus lacks overall comprehensive anti-discrimination legislation, even though treaty bodies, Special Rapporteurs reiterated the need to adopt such legislation multiple times⁵⁸.
47. Certain human rights education is available. However, there is no comprehensive human rights education integrated in schools and at the university level for everyone, not only for lawyers. Before 2021 and repression of civil society organizations, human rights education was provided by such organization in parts⁵⁹. There is no programme or plan on the state level on human rights education at all levels (preschool, school, college, university)⁶⁰.

2. MAIN CHALLENGES IN BELARUS IN IMPLEMENTING THE RIGHT TO EDUCATION

48. In our opinion there are several main challenges in implementing the right to education in Belarus: overall challenges caused by the human rights crisis after the presidential elections in August 2020 and specific challenges are characteristic of educational system in Belarus.

⁵⁸ Concluding observations on the combined twentieth to twenty-third periodic reports of Belarus, Committee on the Elimination of Racial Discrimination, 21 December 2017, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBLR%2fCO%2f20-23&Lang=en; National human rights index, Belarusian Helsinki Committee, General measures on human rights, 2020, <https://clc.to/ihrobshmer20>; Report of the Special Rapporteur on the situation of human rights in Belarus, 8 April 2020, A/HRC/44/55, para.20, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/089/03/PDF/G2008903.pdf?OpenElement>; Report on Implementation of International Convention on the Elimination of All Forms of Racial Discrimination by the Republic of Belarus Prepared by Civil Society Organizations, 2017, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fNGO%2fBLR%2f29418&Lang=ru; Concluding observations on the seventh periodic report of Belarus, Committee on Economic, Social and Cultural Rights, 24 March 2022, para.10, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBLR%2fCO%2f7&Lang=en; Concluding observations on the combined fifth and sixth periodic reports of Belarus, Committee on the Rights of the Child, 28 February 2020, para.15, <https://www.ohchr.org/en/documents/concluding-observations/crcblrco5-6-committee-rights-child-concluding-observations>

⁵⁹ In details - see explanation above.

⁶⁰ Report of the Special Rapporteur on the right to education on governance and the right to education, A /HRC/38/32, 2018, <https://www.ohchr.org/en/documents/thematic-reports/ahrc3832-report-governance-and-right-education>

2.1 Overall challenges in implementing the right to education due to human rights crises after the presidential elections in August 2020

- At the State's and state officials' level human rights are not seen as the priority and the values for the state. The state uses its own manipulative understanding of human rights, declining the commonly recognized interpretation of international standards.
- Human rights crisis after the presidential elections in August 2020 and following massive repressions of those persons, who have opposite political views from the regime (as was mentioned above, teachers, professors, children and students have been subjected to repressions).
- Dysfunctional legal system.
- No trust in the judiciary by the public.
- The lack of comprehensive anti-discrimination legislation.
- Generally, no genuine public participation in decision making and, in particular, in educational reforms; parents could not affect the educational process at school.
- Censorship and self-censorship, no freedom of speech offline and online.

2.2 Specific challenges in implementing the right to education

- Erosion of civil society and private schools, non-formal initiatives by the regime. Educational system works and serves for ideological state machine.
- Dependence and loyalty of the educational system on state's ideology and "top-down" decisions.
- No inclusivity in the educational process for different vulnerable groups. No state's focus on vulnerable groups and their needs.
- Standardized educational syllabuses in schools, no adaptivity for special needs of children in choosing particular subjects to study,
- No state's focus on vulnerable groups and their needs. Inclusion is narrowly understood as physical accessibility for children and students with disability but not as inclusive adaptive syllabuses, non-discrimination based on religion, family income, political view, physical and mental health, etc. No comprehensive human rights education implemented in schools and universities (except certain specializations dealing with international public law and human rights law).
- No up to date sexual and reproductive health and rights education in schools.
- No focus on developing critical thinking skills in children's and student's minds. As teachers rarely turn to alternative sources of information and progressive teaching methods (aimed at developing critical thinking).
- By 2023 parents almost left without any possibility to choose private preschool or private school. As well as there is lack of lyceums for in-depth education.
- The forms and methods of education systematically used in Belarusian schools are not consistent to the aim of education according to the Convention of the Rights of a Child.

- The child is not perceived as an equal, as a subject of rights, but as an object, “which must be taught and the elders know better how⁶¹.”
- The presidential election 2020 and post crisis, as well as the war in Ukraine and assistance, provided by Belarusian government to Russia, have a big negative impact on the educational system in general. Academic freedom has been completely reduced, schools and universities used by the state as a tool for the repressions of those who are against the regime: children, teachers, students and professors.
- After 2020, massive repressions of pedagogical staff at schools and universities have negatively affected the quality of education.
- Belarus left the Bologna process in 2022, which negatively affected Belarusian students and professors, interfering with their academic freedoms.

⁶¹ Analytical report “On some children's rights violations in Belarus”, Belarusian Helsinki Committee, 2022, summary in English, https://belhelcom.org/sites/default/files/violation_of_the_rights_of_the_child_belarus_1_0.pdf; full document in Russian, https://belhelcom.org/sites/default/files/dzieci-2022_v5.pdf