2 February 2024

**To**:
**Ms. Farida Shaheed**, the Special Rapporteur on the right to education

**Academic freedom and freedom of expression in educational institutions in Belarus**

1. The following submission was prepared by Respect – Protect – Fulfill (RPF), a Lithuania-based independent non-governmental non-profit human rights organisation, in connection with the call for contributions for the upcoming report to the Human Rights Council to be presented in June 2024. The focus of our work is the protection of rights in Belarus. More information about RPF’s work is available on our website.[[1]](#footnote-0)
2. The information presented in this submission was prepared based on the analysis of the relevant Belarusian regulations and legislation and the news articles about the emerging issues.
3. **RPF invites the recipients of the present submission to consider the presented information, utilise it in the relevant future thematic or country reports presented to the Human Rights Council, and request Belarus’s observations on the following matters.**

# Context

1. In 2020 presidential election was held in Belarus. According to official results, Aliaksandr Lukashenka was reelected for the 6th consecutive term. This outcome resulted in overwhelmingly peaceful protests all across the country. The authorities responded to the protests with unnecessary and disproportionate use of force, reaching the level of crimes against humanity.[[2]](#footnote-1) Since 2020, the authorities have persecuted the population displaying opposition to Lukashenka.[[3]](#footnote-2) Persecution takes the form of unnecessary or disproportionate use of force, arrests, detention, torture or ill-treatment, including rape and sexual and gender-based violence, and the systematic denial of the rights to due process and to a fair trial.[[4]](#footnote-3) The new wave of repression is observed after Belarus's participation in Russia's full-scale invasion of Ukraine in 2022.
2. The ongoing mass repression is targeting a wide range of actors, including students, teachers, professors and scholars as a separate group, who continue to suffer arrests, detentions, prosecutions, expulsions, and dismissals (see §§ 22-25).

# General framework

1. The term “academic freedom” is defined neither in the Constitution of the Republic of Belarus nor in the Code on Education of the Republic of Belarus (hereinafter – the Code).
2. However, due to the practical absence of the rule of law observed for decades[[5]](#footnote-4) and the subsequent non-existence of academic freedom, this cannot be considered as the main gap in the legal framework for protecting academic freedom. The Academic Freedom Index of Belarus in 2022, which assesses de facto levels of academic freedom, was 0.03 (in the range [0-1]), placing Belarus in the bottom 10% of 179 countries covered.[[6]](#footnote-5) Below are a few instances of recent changes in the education system, introduced in 2022-2024, further limiting academic freedom.
3. In 2022, the amendments to the Code ceased teaching in the foreign languages in primary and secondary schools. The only 2 languages of instruction possible are Russian and/or Belarussian. It affected 4 schools teaching in national minority languages (2 in Polish, 2 in Lithuanian): 3 of them had to change the language of instruction to Russian and Belarusian, 1 of the schools had to close allegedly due to the violation of the fire safety rules.[[7]](#footnote-6) Moreover, the national minorities continue to face obstacles in the sphere of non-formal education as well – in 2024, the crackdown on language schools where the Polish language was taught forced the closure of 10 of them.[[8]](#footnote-7)
4. In September 2022, following an incident in one of the private schools in Minsk, out of 25 in total,[[9]](#footnote-8) 8 private schools were closed, and 12 were issued orders to cease operations.[[10]](#footnote-9) Very soon afterwards, during the meeting with the State Secretary of the Security Council of Belarus Aliaksandr Valfovich, Mr. Lukashenka highlighted that the school management created “an anti-state cesspit”, therefore he ordered to “purge everything in the education system to the extreme” and to introduce licensing.[[11]](#footnote-10) All that became the formal reason for adopting a Law of the Republic of Belarus No. 213-3 “On licensing” of 14 October 2022, which introduced compulsory licensing of kindergartens and schools.[[12]](#footnote-11) As of 2023, only 5 private schools managed to obtain the licences and continue to operate in Belarus[[13]](#footnote-12) – 1 of these private schools was founded by a family member of *de facto* head of state Aliaksandr Lukashenka.[[14]](#footnote-13)
5. In 2022, the supplementary educational module (In Russian – обязательный факультатив) “The Great Patriotic War” became compulsory for 9th-grade pupils.[[15]](#footnote-14) The Great Patriotic War (the closest meaning is the Eastern Front of World War II) is one of the pillars of the pro-governmental ideology. As to the educational module, the teaching plan presents the topic to the best advantage of the current state policy and does not allow deviations from the pro-governmental narratives of power and liberation rather than remembrance and sorrow.
6. As to the institutions of higher education, the Decree of the President of the Republic of Belarus No. 2 of 3 January 2023 introduced the amendments to the Rules for the admission of persons obtaining general higher and special higher education.[[16]](#footnote-15) Clause 11 of the amended Rules established that a pupil’s assessment (in Russian – характеристика) is included in the list of mandatory documents to be submitted to the admissions committee of the chosen higher education institution.[[17]](#footnote-16) The established template of the pupil’s assessment contains the “moral qualities” part, where the school official has to comment, *inter alia*, on the pupil’s attitude towards state and public institutions and the constitutional system.[[18]](#footnote-17)

# Autonomy of educational institutions

1. According to Article 98 of the Code, the public administration in the field of education is carried out by the President of the Republic of Belarus, the Government of the Republic of Belarus, state bodies subordinate and (or) accountable to the President of the Republic of Belarus, the National Academy of Sciences of Belarus, republican government bodies, other organisations subordinate to the Government of the Republic of Belarus, local executive and administrative bodies within their powers.[[19]](#footnote-18) Moreover, according to Article 99 of the Code, it is solely the President of the Republic of Belarus who determines state policy in the field of education.[[20]](#footnote-19) Thus, the whole system of Belarusian education is directly or indirectly subordinated to the *de facto* head of state Aliaksandr Lukashenka.
2. Furthermore, according to Article 204 (2) of the Code, the head of a state higher education institution is appointed and dismissed under the procedure determined by the President of the Republic of Belarus.[[21]](#footnote-20) Thus, the institutions of higher education do not enjoy institutional autonomy.
3. Following the peaceful protests after the rigged 2020 election (see §§ 4-5) and since academia was very vocal in their disagreement with the results of the election and the subsequent use of violence, the authorities have decided to limit academic freedom within the higher education institutions even further. In the autumn of 2020, the new administrative occupation was introduced at all operating universities – vice-rector for security (in Russian – проректор по безопасности).[[22]](#footnote-21) The legislative act governing the appointment procedure or the job requirements cannot be found, as it is most likely not publicly available. Based on the information from the university students and staff, the main functions of those occupying the position are to monitor the behaviour of students and staff, conduct ideological work, conduct a “purge” of employees with dissident viewpoints[[23]](#footnote-22), and surveillance.[[24]](#footnote-23) For instance, at the vice-rector’s for security insistence, a practising lawyer and Doctor of Law Aliaksandr Danilevich was fired for signing an open letter calling on Belarus to end its participation in the war in Ukraine.[[25]](#footnote-24) As of 2024, it was discovered that vice-rectors for security of 7 universities were linked to the State Security Committee of Belarus (KGB).[[26]](#footnote-25)
4. Starting from 1 September 2021, a similar occupation was introduced in schools and kindergartens – a head of military-patriotic education (in Russian – руководитель по военно-патриотическому воспитанию).[[27]](#footnote-26) The main functions of those occupying the position are organising “patriotic” education, pre-conscription training, and controlling the labour protection requirements and fire safety rules.[[28]](#footnote-27) For instance, during one of the “patriotic” education events organised in one of the Minsk region schools, the pupils were dressed in the uniform of the Russian movement “Yunarmiya”, which is funded by the Russian ​​Ministry of Defence and is utilised as the mechanism for the militarisation and military training of youth in Russia.[[29]](#footnote-28)
5. As to the police or military personnel entering educational institutions, according to the standard school regulation on access regime, a policeman is present at the school’s entrance at all times at the stationary police post.[[30]](#footnote-29)
6. As to the higher education institutions, the police presence (including the riot police)[[31]](#footnote-30) is not restricted in practice. On 4 September 2020, 5 students of the Minsk State Linguistic University were brutally arrested by the riot police on the university’s premises.
7. The practice of “public arrests” and “public trials” is also widespread on college and university campuses, as well as on school premises. The students, teachers/professors, and, in some cases, parents are gathered for a town hall meeting, during which the police come and publicly arrest a person (often – teenagers and young adults) for an alleged crime. The arrests are usually carried out in a humiliating way, and local media can be invited to write articles about the accused in a patronising and denigrating manner.[[32]](#footnote-31) The “public trials” entail a trial in an administrative or criminal case, which is held on the premises of educational institutions, and where the students are forced to participate as an audience.[[33]](#footnote-32) These practices are allegedly aimed at crime prevention; however, in practice, they are used to intimidate the students and prevent them from expressing their opinions, especially those critical of the government.[[34]](#footnote-33)

# Surveillance

1. Surveillance via on-site cameras is regulated and practised both in higher education institutions[[35]](#footnote-34) and in primary and secondary education institutions.[[36]](#footnote-35)
2. Physical scrutiny is practised in the universities: it was found out that in accordance with the internal orders on the impermissibility of online subscriptions to “extremist resources”[[37]](#footnote-36) among university, college and lyceum employees, the vice-rectors for security (see § 14 above) check the employees’ mobile phones by making the employees unlock the screen.[[38]](#footnote-37) The internal orders in question are not publicly available.
3. In January 2024, it was discovered that under the order for internal use, all employees of the Belarusian State University are required to fill out a 5-page questionnaire upon returning from abroad, except those returning from Russia.[[39]](#footnote-38) The purpose of the trip (whether personal or work-related) is irrelevant. The questions in the questionnaire concern the purpose of the trip, its organisation, as well as evidence of any possible “non-official contacts” with foreigners, relatives and acquaintances abroad, whether the employee believes there were attempts to recruit them as a spy. The order in question is not publicly available. It is unknown whether the practice is also established in other universities.
4. Furthermore, teachers, professors and students continue to be subjected to criminal prosecution and administrative arrests in the aftermath of exercising the rights of freedom of expression, assembly and association, as well as other human rights and freedoms.
5. Administrative arrests of members of the academia on various grounds (for instance, for conducting an anti-war picket) take place routinely. Many students are expelled, and professors are fired either due to serving their administrative arrests or for other politically motivated reasons.[[40]](#footnote-39)
6. In November 2020, the KGB arrested 1 professor and 11 students from various universities, including the members of the independent students’ association “Belarusian Students Association”, in connection with the peaceful protests (see § 4). They were charged with “Organisation or active participation in group actions that grossly violate public order” under Article 342 of the Criminal Code of the Republic of Belarus. On 16 July 2021, 11 defendants were sentenced to 2.5 years’ imprisonment, and 1 defendant was sentenced to 2 years’ imprisonment. They were released after serving their prison sentences in full.[[41]](#footnote-40)
7. Currently, there are at least 45 recognised political prisoners belonging to the academia[[42]](#footnote-41): the list is not final as many cases of politically motivated prosecution are not known to the public.

# Freedom of expression in teaching and access to books

1. Study programs for primary and secondary education institutions are uniform and approved by the Ministry of Education of Belarus.[[43]](#footnote-42) Moreover, only the textbooks and teaching materials approved by the Ministry of Education of Belarus can officially be used during the studies.[[44]](#footnote-43) Deviation from the pro-governmental narratives while studying such subjects as World History and Social Studies is not possible.
2. Furthermore, the State policy of ideologizing young people to consolidate control and induce loyalty[[45]](#footnote-44) is actively applied in practice.
3. Since February 2023, the authorities have launched an educational program for students - “On point conversation” (in Russian – “ЗАчётный разговор”) when the state officials and propagandists visit universities for public talks to promote state ideology.[[46]](#footnote-45) Some of the speakers of the public talk in question[[47]](#footnote-46) (Marat Markau and Ryhor Azaronak) are on the EU list of restrictive measures (sanctions) for supporting the Lukashenka regime.[[48]](#footnote-47)
4. On 31 March 2023, when the students and staff of multiple universities were released from classes and forced to watch Lukashenka’s public speech “Message to the People and the National Assembly.”[[49]](#footnote-48) In his speech, he stated that he would “get rid of” dissident university professors. Forced mass viewing of propaganda is not a new practice and encompasses all education levels.
5. In January 2024, many Minsk-based institutions of primary, secondary, and higher education were instructed to ensure pupils and students visited a photo exhibition called “Parallel Worlds” that opened at the National Library of Belarus. The authors of the exhibition themselves state that their goal is to show the “World of Creation” of the Lukashenka regime and the “World of Degradation” of supporters of the dissidents.”[[50]](#footnote-49)

# Conclusion

1. The absence of institutional autonomy, total governmental control over the educational system (including the study programs), politically motivated prosecution of the members of the academia, and increased levels of online and physical surveillance indicate a complete lack of academic freedom at all levels of education in Belarus both in law and in practice.

1. <https://respectprotectfulfill.org/>. [↑](#footnote-ref-0)
2. A/HRC/52/68, § 54; A/HRC/49/71, § 84. [↑](#footnote-ref-1)
3. A/HRC/49/71, § 85. [↑](#footnote-ref-2)
4. A/HRC/49/71, § 83. [↑](#footnote-ref-3)
5. <https://www.ohchr.org/en/statements/2022/01/belarus-advocacy-day-endangered-lawyer> (archived at <https://archive.ph/uiVhE>). [↑](#footnote-ref-4)
6. <https://academic-freedom-index.net/> (archived at <https://archive.ph/crhla>). [↑](#footnote-ref-5)
7. <https://pravo.by/novosti/analitika/2022/january/68438/> (archived at <https://archive.ph/Kfzwp>); <https://www.dw.com/ru/monopolia-na-znania-pocemu-v-belarusi-zakryvaut-castnye-skoly/a-63286630> (archived at <https://archive.ph/e6cZe>). [↑](#footnote-ref-6)
8. <https://news.zerkalo.io/life/58314.html> (archived at <https://archive.ph/d5GJj>). [↑](#footnote-ref-7)
9. <https://brestcity.com/blog/skolko-chastnyx-shkol> (archived at <https://archive.ph/BJ198>). [↑](#footnote-ref-8)
10. <https://citydog.io/post/zaden-belarus-chastnye-shkoly/> (archived at <https://archive.ph/4vlBz>). [↑](#footnote-ref-9)
11. <https://www.belta.by/president/view/lukashenko-poruchil-vvesti-litsenzirovanie-v-obrazovanii-i-zachistit-vse-do-nevozmozhnosti-524643-2022/> (archived at <https://archive.ph/SJlpA>). [↑](#footnote-ref-10)
12. <https://etalonline.by/novosti/korotko-o-vazhnom/litsenzirovanie-obrazovaniya/> (archived at <https://archive.ph/Kww7F>). [↑](#footnote-ref-11)
13. <https://sputnik.by/20230614/skolko-ostalos-v-belarusi-chastnykh-shkol-rasskazali-v-minobrazovaniya-1076599103.html> (archived at <https://archive.ph/U5C2e>). [↑](#footnote-ref-12)
14. <https://investigatebel.org/en/investigations/kak-mama-nikolaya-lukashenko-okazalas-osnovatelem-chastnoj-shkoly-v-drozdah> (archived at <https://archive.ph/eIv88>). [↑](#footnote-ref-13)
15. <https://euroradio.fm/ru/minobrazovaniya-v-shkolah-vvedut-obyazatelnyy-fakultativ-o-velikoy-otechestvennoy> (archived at <https://archive.ph/bWst3>); <https://www.belta.by/interview/view/chto-izmenitsja-v-shkolnoj-programme-s-1-sentjabrja-rasskazali-v-nio-8306/> (archived at <https://archive.ph/mOhsY>). [↑](#footnote-ref-14)
16. [https://president.gov.by/bucket/assets/uploads/documents/2023/2uk.pdf](https://president.gov.by/bucket/assets/uploads/documents/2023/2uk.pdf?TSPD_101_R0=08eaf62760ab200047593d199ba0698bcf4fbfee330627d4481d7bbba6bc75f24cd58156dd65bdbd08ae193592143000edfddfeba8079f627f5b3f57e4e9581aff9d5fa310bed3111afa6cac1943b878d579be12e1124e440b9bf6da9174e4a6). [↑](#footnote-ref-15)
17. [https://president.gov.by/bucket/assets/uploads/documents/2023/2uk.pdf](https://president.gov.by/bucket/assets/uploads/documents/2023/2uk.pdf?TSPD_101_R0=08eaf62760ab200047593d199ba0698bcf4fbfee330627d4481d7bbba6bc75f24cd58156dd65bdbd08ae193592143000edfddfeba8079f627f5b3f57e4e9581aff9d5fa310bed3111afa6cac1943b878d579be12e1124e440b9bf6da9174e4a6). [↑](#footnote-ref-16)
18. <https://adu.by/images/2023/03/post-MO-RB-58-2023.pdf>. [↑](#footnote-ref-17)
19. <https://pravo.by/document/?guid=3871&p0=hk1100243> (archived at <https://archive.ph/Jr6DS>). [↑](#footnote-ref-18)
20. *Ibid.* [↑](#footnote-ref-19)
21. *Ibid.* [↑](#footnote-ref-20)
22. <https://devby.io/news/bntu-sekretnyi-prorektor> (archived at <https://archive.ph/Mz5FX>); <https://mediazona.by/article/2024/01/17/university> (archived at <https://archive.ph/1t4T1>). [↑](#footnote-ref-21)
23. <https://mediazona.by/article/2024/01/17/university> (archived at <https://archive.ph/1t4T1>). [↑](#footnote-ref-22)
24. <https://dcsfxzu8xls6u.cloudfront.net/ru/320978> (archived at <https://archive.ph/ftSU1>). [↑](#footnote-ref-23)
25. <https://news.zerkalo.io/life/12866.html> (archived at <https://archive.ph/JhRm9>). [↑](#footnote-ref-24)
26. *Ibid*. [↑](#footnote-ref-25)
27. <https://pravo.by/novosti/novosti-pravo-by/2021/august/65533/> (archived at <https://archive.ph/VclmL>). [↑](#footnote-ref-26)
28. [https://news.zerkalo.io/life/2098.html](https://news.zerkalo.io/life/2098.html?tg) (archived at <https://archive.ph/UTgKy>). [↑](#footnote-ref-27)
29. <https://t.me/motolkohelp/30414> (archived at <https://archive.ph/nBoNE>). [↑](#footnote-ref-28)
30. <https://gatovo.minsk-roo.gov.by/ob-uchrejdenii/polojenie-o-propusknom-rejime> (archived at <https://archive.ph/96kAP>). [↑](#footnote-ref-29)
31. <https://t.me/nexta_live/10486> (archived at <https://archive.ph/cbECd>); <https://t.me/nexta_live/10488> (archived at <https://archive.ph/ED0T7>); <https://t.me/nexta_live/10493> (archived at <https://archive.ph/RA9Uq>); <https://t.me/nexta_live/10494> (archived at <https://archive.ph/Vs4SQ>). [↑](#footnote-ref-30)
32. <https://www.vdobrushe.by/articles/naruchniki-vmesto-poricaniya-odinnadcatiklassnika-odnoy-iz-selskikh-shkol-dobrushchiny> (archived at <https://archive.ph/cLIzv>). [↑](#footnote-ref-31)
33. <https://euroradio.fm/ru/v-bntu-nachalis-pokazatelnye-sudy-nad-studentami-budut-sudit-30-chelovek> (<https://archive.ph/O3sUO>). [↑](#footnote-ref-32)
34. <https://euroradio.fm/ru/v-baranovichskom-universitete-sudili-studentku-za-oskorblenie-lukashenko> (<https://archive.ph/Lug0K>). [↑](#footnote-ref-33)
35. <https://bsu.by/upload/%D0%9F%D0%BE%D0%BB%D0%BE%D0%B6%D0%B5%D0%BD%D0%B8%D0%B5%20%D0%BE%20%D0%B2%D0%B8%D0%B4%D0%B5%D0%BE%D0%BD%D0%B0%D0%B1%D0%BB%D1%8E%D0%B4%D0%B5%D0%BD%D0%B8%D0%B8%20%D1%81%20%D0%B8%D0%B7%D0%BC%D0%B5%D0%BD%D0%B5%D0%BD%D0%B8%D1%8F%D0%BC%D0%B8.pdf>. [↑](#footnote-ref-34)
36. <https://www.belta.by/regions/view/vse-shkoly-minska-k-1-sentjabrja-oborudujut-sistemami-propuska-i-dopolnitelnymi-videokamerami-452991-2021/> (archived at <https://archive.ph/xt5H4>). [↑](#footnote-ref-35)
37. After the crackdown on independent media, the Belarusian authorities have labelled independent media outlets as “extremist groups” and now utilise it to persecute readers and journalists, see <https://spring96.org/en/news/112626> (archived at <https://archive.ph/OR9gH>). [↑](#footnote-ref-36)
38. <https://dcsfxzu8xls6u.cloudfront.net/ru/320978> (archived at <https://archive.ph/ftSU1>). [↑](#footnote-ref-37)
39. <https://euroradio.fm/ru/v-bgu-obyazali-sotrudnikov-otchityvatsya-posle-poezdok-za-granicu-ischut-shpionov> (archived at <https://archive.ph/t3nBD>). [↑](#footnote-ref-38)
40. <https://t.me/zbsunion/2940> (archived at ); <https://t.me/doxajournal/5190> (archived at <https://archive.ph/O0YCb>). [↑](#footnote-ref-39)
41. <https://www.scholarsatrisk.org/actions/student-case-belarus/> (archived at <https://archive.ph/prcSQ>). [↑](#footnote-ref-40)
42. <https://dissidentby.com/political?tags%5B%5D=teachers&tags%5B%5D=students&tags%5B%5D=scientists&spring=1&sort=political%7Cdesc&limit=60> (archived at <https://archive.ph/wBHHV>). [↑](#footnote-ref-41)
43. <https://adu.by/ru/homeru/obrazovatelnyj-protsess-2023-2024-uchebnyj-god/obshchee-srednee-obrazovanie?format=html> (archived at <https://archive.ph/3HbDk>). [↑](#footnote-ref-42)
44. <https://adu.by/ru/homeru/obrazovatelnyj-protsess-2023-2024-uchebnyj-god/obshchee-srednee-obrazovanie/perechni-uchebnykh-izdanij.html> (archived at <https://archive.ph/RUPTu>). [↑](#footnote-ref-43)
45. A/HRC/53/53, § 62. [↑](#footnote-ref-44)
46. <https://news.zerkalo.io/life/35576.html> (archived at <https://archive.ph/yd1Ep>). [↑](#footnote-ref-45)
47. <https://t.me/honestpeople_by/5349> (archived at <https://archive.ph/WXaQH>). [↑](#footnote-ref-46)
48. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02012D0642-20231129> (archived at <https://archive.ph/ArPtq>). [↑](#footnote-ref-47)
49. <https://t.me/honestpeople_by/5383> (archive at <https://archive.ph/Oi9GN>). [↑](#footnote-ref-48)
50. <https://t.me/motolkohelp/30523> (archived at <https://archive.ph/Opwtt>). [↑](#footnote-ref-49)