

# BELARUS

## PROMOTING HUMAN RIGHTS AND SUSTAINABLE DEVELOPMENT GOALS THROUGH TRANSPARENT, ACCOUNTABLE AND EFFICIENT PUBLIC SERVICE DELIVERY

SUBMISSION TO THE OFFICE OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS

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## INTRODUCTION

Despite the active participation of the Government of the Republic of Belarus in the process of implementing the 2030 Agenda and the Sustainable Development Goals, as well as numerous statements by government officials about the achievement of high indicators in this area, a significant problem in the implementation of the SDGs by Belarus is the complete disregard by the state of the link between human rights and the SDGs. The state not only does not make attempts to bring its policy at different levels (including legislative) in line with the goals and objectives of the SDGs, but intentionally (including as part of political repression) takes measures that directly contradict the meaning and content of the SDGs.

As a result of peaceful protests against the falsification of the presidential elections and violence on the part of law enforcement bodies and security agencies, mass repressions against citizens of Belarus, systemic human rights violations, intimidation, ideological pressure and suppression of any alternative opinion have started and are intensifying every day. All this demonstrates the state's attitude not only to human rights, but also to the SDGs, which are inextricably linked.

The provision of public services against the backdrop of mass repression has become even less transparent and effective, contributing to the violation of human rights rather than their development. And the authorities' declarations of state commitment to the 2030 Agenda are deliberate manipulations and an attempt to use the international architecture and the system of reporting on the implementation of SDGs to legitimize their illegal actions.

## GENERAL APPROACH

First of all, it should be noted that the state does not strive to create an effective system of public service provision. The system of public service delivery is not aimed at taking into account the real needs of individuals, in particular vulnerable groups.

Thus, there are obstacles for Roma persons to receive public services due to the persistent stigmatization of Roma in society. Some Roma still lack citizenship and identity documents. The enrolment rate of Roma students at all levels of education remains low and discrimination against Roma students in education persists.<sup>1</sup>

Despite the accession of Belarus to the Convention on the Rights of Persons with Disabilities and the adoption of the relevant Law<sup>2</sup>, the efforts made often remain only declarative, expressed only in normative terms. In practice, conditions for persons with

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<sup>1</sup> Committee on Economic, Social and Cultural Rights Concluding observations on the seventh periodic report of Belarus, 2022, E/C.12/BLR/CO/7: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FBLR%2FCO%2F7&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FBLR%2FCO%2F7&Lang=ru)

<sup>2</sup> Law of the Republic of Belarus "On the Rights of Persons with Disabilities and Their Social Integration", 30 June 2022, No. 183-Z: <https://pravo.by/document/?guid=12551&p0=H12200183&p1=1>

disabilities to effectively receive public services, including a barrier-free environment, are not created or are provided superficially.

The use of public services in rural areas is also becoming increasingly difficult. Problems related to transportation accessibility and the general aging of the population, leading to the lack of specialists in the field, complicate the receipt of public services.

At the same time, the state uses a differentiated approach in the provision of public services. However, the emphasis is placed by the state not on encouraging vulnerable groups and persons in need, but on "punishing" certain categories of citizens. For example, Presidential Decree No. 1 "On Promotion of Employment" obliged all "not employed in the economy" citizens of Belarus to pay for state-subsidized housing and utilities services in full, starting from 2019.<sup>3</sup> Decree No. 474 deprived families, where all able-bodied persons are "not employed in the economy", of the right to receive state support for housing construction.<sup>4</sup>

## USE OF PUBLIC SERVICES BY BUSINESS

For a long time, the authorities have been spreading a narrative about business as an "enemy of the working class," which is reflected in the provision of public services to business.

Since the spring of 2020, during the first wave of COVID-19 in Belarus, Belarusian business has largely taken over the functions of the state (including the provision of medical professionals with protective equipment), which has been almost completely incapable of responding effectively to this challenge. In 2020, business acted as a significant driver of the peaceful protests, demonstrating disagreement with the policy of the authorities and repressions related to the presidential election, actively supporting protests, victims of the actions of the authorities, offering assistance to the repressed, including creating conditions for the "exit" of law enforcers from the system, and again, in fact, replacing the state in many respects. This has further complicated the situation, and in the 3 years since 2020 the state has taken a number of legislative measures that not only contradict the SDGs, but are practically a revenge of the authorities on business as a social institution.

Since the beginning of 2023, repressive legislation has been significantly expanded to arbitrarily restrict the rights of foreign businesses, including in the context of the fight against the "collective West". Firstly, there has been a formalization of illegal confiscation of property of legal entities: The Law "On Seizure of Property" adopted at the beginning of 2023 provides for the seizure of property from practically any legal or natural persons (both Belarusian and foreign), on very "vague" and voluntaristic grounds, such as "unfriendly actions" against Belarus, dependence on decisions of "unfriendly states" from the list of the Council of Ministers.<sup>5</sup> Secondly, the possibility to put foreign enterprises under external management was introduced: in early January 2023, the Law "On Issues of Transfer under Temporary External Management"

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<sup>3</sup> Decree of the President of the Republic of Belarus "On Promotion of Employment", 25 January 2018, No. 1 : <https://pravo.by/document/?guid=12551&p0=Pd1800001&p1=1>

<sup>4</sup> Decree of the President of the Republic of Belarus "On state support for the construction (reconstruction) or acquisition of residential premises", 10 December 2018, No. 474 : <https://president.gov.by/bucket/assets/uploads/documents/2018/474uk.pdf>

<sup>5</sup> Law of the Republic of Belarus "On Seizure of property", 3 January 2023, No. 240-Z, : <https://pravo.by/document/?guid=12551&p0=H12300240&p1=1&p5=0>

and the Resolution of the Council of Ministers defining this procedure, were adopted.<sup>6</sup> According to it, grounds for establishing external management can be found in the case of almost any foreign firm. Thirdly, the list of legal entities whose foreign shareholders are prohibited to dispose of their shares was expanded.<sup>7</sup> The justification also includes "unfriendly actions against Belarusian legal entities and/or individuals".

Separate changes also affected individual entrepreneurs, who, starting from 2020, face arbitrary obstacles when opening and closing a sole proprietorship. For example, in Minsk it has been impossible to open a sole proprietorship for three years despite the absence of barriers in the legislation, and when closing it, entrepreneurs face additional inspections and arbitrary fines.

The legislation in the sphere of individual entrepreneurship, including tax legislation, is constantly changing, which creates an atmosphere of unpredictability and excludes stability, making it impossible to plan one's activities for longer than a year.

Until 2020, the state provided entrepreneurs with benefits that most of them did not use, due to the unpredictable behavior of the state and fear of facing persecution in the future.

## PROVISION OF PUBLIC SERVICES TO INDIVIDUALS

Over the past three years, a distinctly discriminatory approach to the provision of public services on the basis of political views has emerged.

For example, when submitting appeals to state bodies on topics sensitive to the state and not approved in ideological terms, the appeal is not considered on its merits. Such an appeal is either left without consideration or ends with a formal response, often with an expression of aggression.

This practice existed before 2020, but only in relation to clearly "oppositional" statements, appeals and petitions. Today, even everyday issues related to water supply or heat delivery and criticizing the work of state officials can be recognized as ideologically unacceptable. It is also known that state officials can use the top-approved discrimination on political grounds even against citizens who support the current government in order to justify refusal to consider an appeal and avoid inspection by the State Control Committee in the relevant area.

In an attempt to avenge political disloyalty and put pressure on Belarusian citizens who found themselves abroad due to political persecution inside the country, the state deprives them of the possibility to use state services through consular offices. In accordance with Decree No. 278 "On the Procedure of Issuing Documents and Performing Actions", a number of administrative procedures can now be performed only in Belarus in person, or by a power of attorney that is issued in Belarus (including property transactions). It is also possible to obtain and exchange a regular passport, ID and biometric passport only in Belarus, even for those citizens with PP series passports (i.e. those who have formalized permanent residence in another country). These measures are discriminatory against all citizens of Belarus staying

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<sup>6</sup> Law of the Republic of Belarus "On issues of transfer under temporary external management", 3 January 2023 No. 239-Z: <https://pravo.by/document/?guid=12551&p0=H12300239>

<sup>7</sup> Resolution of the Council of Ministers of the Republic of Belarus, 23 January 2023, No. 54: <https://pravo.by/document/?guid=12551&p0=C22300054>

(temporarily) and residing (permanently) abroad, because they unreasonably put them in an unequal position compared to other citizens of Belarus. Not only political emigrants, but in principle all Belarusians permanently residing or temporarily staying abroad fall under the effect of such measures.

## EDUCATION AND HEALTH SERVICE DELIVERY

### Health care<sup>8</sup>

Over the past three years, the level of adequate availability of functioning health and medical care facilities, goods and services has declined as a result of the political crisis and repressive government policies. (index reference 2022). The same can be said about the physical and economic accessibility of health care facilities, goods and services and their quality.

Despite the positive [statistics](#) on the number of doctors and nurses provided by the Ministry of Health, in reality the situation with the supply of medical personnel is constantly deteriorating.<sup>9</sup> The decrease in the number of medical personnel is explained by the departure of doctors abroad due to unsatisfactory working conditions and low remuneration, as well as repressions against them.

There are also serious problems in ensuring access to health care facilities, goods and services without discrimination and numerous violations of medical ethics.

Persons deprived of their liberty are not afforded the opportunity to undergo proper medical examinations, necessary medical care and treatment whenever needed.

There is no mechanism for independent and objective medical examinations and documentation of injuries.

There is ample evidence that political prisoners have been denied medication; that authorities deliberately created conditions conducive to the development of illnesses or aggravating existing illnesses, denied or poorly provided with medical care.

### Education<sup>10</sup>

The low level of labor remuneration, as well as ongoing repressions over the past three years, have had a significant impact on the provision of educational institutions with professional teaching staff. There is also a reduction of the level of provision with a sufficient number of functioning institutions, as the number of preschool and secondary education institutions is decreasing.

In addition, the form and content of education, including programs and teaching methods, have become less adequate and of lower quality every year. This is primarily due to the ideologization of education, including the prohibition of expressing any alternative viewpoints to the state agenda. Moreover, against the backdrop of the war in Ukraine, ideologization has also been supplemented by militarization. Second, due to the support of Russian military aggression against Ukraine, Belarus' participation in the Bologna Process,

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<sup>8</sup> Belarusian Helsinki Committee, National Human Rights Index, Right to health 2022: <https://index.belhelcom.org/en/>

<sup>9</sup> Civic Monitoring of Public Health, "Estimation of the number of doctors in the Republic of Belarus at the end of 2022. Comparison of official statistics and data from open sources": <https://civicmonitoring.health/post/doctors-count/>

<sup>10</sup> Belarusian Helsinki Committee, National Human Rights Index, Right to education 2022: <https://index.belhelcom.org/en/>

which was an important tool for bringing higher education in line with international standards, was suspended. Cooperation with Belarus was also interrupted by the International Program for the Assessment of Students' Educational Achievement (PISA), which is developed taking into account the latest achievements of psychology and pedagogy, and WorldSkills International, which, as a vocational competition, was an important quality indicator to determine the compliance of vocational education with international standards.

It should also be noted that in the field of both healthcare and education, the state strives to exclude as much as possible the participation of private entities in the provision of services. So, in 2022, private medical centers faced numerous unscheduled inspections, as a result of which gross violations of the law were allegedly revealed and the activities of the centers were suspended.<sup>11</sup> In 2022, there was also a massive closure of private schools.<sup>12</sup>

## ACCESS TO INFORMATION

Belarus does not have a separate normative act on access to information held by state bodies and local self-government bodies.<sup>13</sup> Access to draft legislation, as well as to information on law enforcement practices of state bodies is significantly limited. Existing norms and practices do not ensure effective access to such information. The Law "On Information, Informatization and Protection of Information" gives state bodies the right to arbitrarily restrict the dissemination of socially significant information, including information related to the environment. State bodies in Belarus do not take into account the "public interest" as a category that determines the legitimacy of providing this or that information.

Legislative acts, including those related to human rights, are often not submitted for public discussion. There are many examples when bills aimed at restricting human rights are adopted without public discussion; the texts of such bills are often published after their adoption by the lower house of Parliament.

Belarus has a functioning national statistical committee, Belstat, which publishes information related to various spheres of public life. However, many data of public interest are not collected or published by Belstat. In addition, Belstat does not publish disaggregated data and some publicly relevant data are available only on a paid basis.

Since 2020, more than 3,000 Internet resources publishing alternative information have been blocked in Belarus. Hundreds of resources were recognized as extremist materials for non-compliance with the state ideological agenda. Websites of human rights organizations and other NGOs, as well as independent media, were included in the list of extremist materials.

The state also blocks financial and economic information that is important for entrepreneurs but sensitive for the state. Among such information, data on the state of the

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Zerkalo.io: <https://news.zerkalo.io/life/16045>; Official Telegram-channel of the Ministry of Health: <https://t.me/minzdravbelarus/5406>; <https://t.me/minzdravbelarus/5406>; <https://t.me/minzdravbelarus/6542>; <https://t.me/minzdravbelarus/6977>; <https://t.me/minzdravbelarus/7309>; <https://t.me/minzdravbelarus/8060>

<sup>12</sup> Zerkalo.io: <https://news.zerkalo.io/life/24247.html>

<sup>13</sup> Belarusian Helsinki Committee, "Implementation of SDG16: peace, justice and strong institutions", Report on the implementation of SDG16 by the Republic of Belarus, 2022, pp. 24-25: [https://belhelcom.org/sites/default/files/bhc\\_16\\_sdg\\_web\\_eng\\_2\\_version.pdf](https://belhelcom.org/sites/default/files/bhc_16_sdg_web_eng_2_version.pdf)

economy and reserves, on exports and imports of certain goods, on the state of gold and foreign exchange reserves and their components, and on the situation in the IT sphere.

## CORRUPTION

The Belarusian authorities declare at the highest level that the fight against corruption is a priority. Effective counteraction to corruption and fight against it is defined by the National Security Concept of the Republic of Belarus approved by the Decree of the President No. 575 dated November 9, 2010 as a priority area of the state activity.<sup>14</sup> Belarus has been a party to the UN Convention against Corruption since 2005.

A number of specific laws, decrees and state programs aimed at combating corruption have been adopted, however, they are not systematically evaluated.

The anti-corruption bodies are not independent in their activities, which calls into question the effectiveness of their work. The law enforcement and judicial systems are also not independent, thus lacking the capacity to conduct effective anti-corruption investigations.<sup>15</sup> In Belarus, no independent research is conducted to gain a deeper understanding of the phenomenon, scope and risks of corruption in different sectors and at different levels of government.<sup>16</sup> This is due to the state's monopoly on the collection of statistics.

Revenues, expenditures and financing of all central authorities are disclosed in the state budget and approved by the parliament.<sup>17</sup> Information on the spending plan of the national budget and on revenues for the current year is available in electronic format.<sup>18</sup> However, the issue of transparency and credibility of the approved figures remains an open question.

In 2019, the Council of Europe's Group of States against Corruption (GRECO), of which Belarus is a member, publicly stated (the first such precedent against a member state since GRECO's existence) that Belarus is the only one of the 50 GRECO member states that refused to publish a GRECO report on the situation in the country and systematically fails to properly implement its recommendations (since 2012, Belarus has implemented 4 out of 24 recommendations).<sup>19</sup> The overwhelming majority of recommendations issued to Belarus concern fundamental anti-corruption requirements, such as strengthening the independence of the judiciary and prosecutor's office, as well as increasing the operational autonomy of law

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<sup>14</sup> Decree of the President of the Republic of Belarus "On Approval of the Concept of National Security of the Republic of Belarus", 9 November 2010, No. 575: [https://pravo.by/document/?guid=2012&oldDoc=2010-276/2010-276\(005-026\).pdf&oldDocPage=1](https://pravo.by/document/?guid=2012&oldDoc=2010-276/2010-276(005-026).pdf&oldDocPage=1)

<sup>15</sup> Public declaration of non-compliance in respect of Belarus, Adopted by GRECO at its 82nd Plenary Meeting, 19 March 2019: <https://rm.coe.int/joint-first-and-second-evaluation-roundspublic-declaration-of-non-com/168093909f>

<sup>16</sup> Public declaration of non-compliance in respect of Belarus, Adopted by GRECO at its 82nd Plenary Meeting, 19 March 2019: <https://rm.coe.int/joint-first-and-second-evaluation-roundspublic-declaration-of-non-com/168093909f>

<sup>17</sup> Law of the Republic of Belarus "On the Republican Budget for 2023", 30 December 2022, No. 231-Z: <https://pravo.by/document/?guid=12551&p0=H12200231&p1=1>

<sup>18</sup> Ministry of Finance of the Republic of Belarus, The budget of the Republic of Belarus for citizens for 2023: <https://www.minfin.gov.by/upload/bp/budjet/budjet2023.pdf>

<sup>19</sup> Public declaration of non-compliance in respect of Belarus, Adopted by GRECO at its 82nd Plenary Meeting, 19 March 2019: <https://rm.coe.int/joint-first-and-second-evaluation-roundspublic-declaration-of-non-com/168093909f>



enforcement agencies and limiting the presidential term of office, involving civil society in the fight against corruption, and creating an anti-corruption strategy.

According to the survey conducted in January-February 2020 by the IPM Research Center of small and medium-sized businesses, business believes that the level of corruption in the state has generally decreased. However, business confirms that kickbacks when receiving state orders, bribes, and shadow turnover are widespread in Belarus.<sup>20</sup>

In Belarus, there is both corruption of demand and corruption of supply, but it is mainly initiated by civil servants. Business believes that corruption still has a moderately strong influence on the solution of economic objectives: growth and development of private business, economic growth, improvement of the efficiency of public administration, attraction of foreign investments, growth of the welfare of citizens, development of the domestic market of goods of domestic producers, as well as resolution of economic disputes in courts.<sup>21</sup>

The practice of granting "exclusive" preferences for certain businesses is also widespread in Belarus. A. Lukashenka gives certain commercial enterprises and organizations, for example, Dana ASTRA<sup>22</sup> and ENERGO-OIL, special conditions for doing business, using his ability to issue decrees, thereby making decisions on his own, without involving the Parliament as a legislative body, which contradicts the principle of checks and balances.

At the grassroots level, petty corruption against individuals is common. For example, the ability to get into a particular school is often determined by the financial capacity of parents. In addition, despite the availability of a range of free services, citizens often resort to corrupt mechanisms to get closer to the top of the queue. Low-income people are provided with a standard set of services, but not the maximum possible. In fact, the level of income determines the possibility of efficient and fast provision of public services.

## DIGITALIZATION

Digitalization has been implemented and has made some progress in certain areas, stopping, however, at the 2020 level. However, in most cases the digitalization process is not inclusive and does not take into account the needs of citizens.

Since 2020, the state in digitalization does not aim to take care of citizens and promote their rights, but tries to displace alternative civil society projects that are popular among the population in order to exclude uncontrolled initiatives. The state tries to completely visually copy the resource, and blocks the alternative one. An illustrative example is the situation around the Petitions.by platform, when the state actually copied the initiative's website, blocking the original resource and forcibly liquidating the organization. Similarly, this

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<sup>20</sup> IPM Research Center, Assessment of corruption by Belarusian small and medium-sized enterprises, 2020: <http://www.research.by/webroot/delivery/files/pdp2020r06.pdf>

<sup>21</sup> IPM Research Center, Assessment of corruption by Belarusian small and medium-sized enterprises, 2020: <http://www.research.by/webroot/delivery/files/pdp2020r06.pdf>

<sup>22</sup> Belarusian Investigative Center, Lukashenko Doles Out Prime Belarus Real Estate to Serbian Cronies: <https://www.occrp.org/en/investigations/lukashenko-doles-out-prime-belarus-real-estate-to-serbian-cronies>

mechanism was applied to environmental organizations and organizations working with vulnerable groups.

In addition, another goal of the state in the use of information technologies, which is contrary to human rights, is the surveillance of citizens, which is confirmed by the adoption of relevant legislation and the practice of its application.

On 18 October 2022, A. Lukashenka signed Decree No. 368 "On the interaction of telecommunication operators, telecommunication service providers, and owners of Internet resources with bodies carrying out operational-search activities," which obliges online resources, mail providers, instant messengers, online stores, taxi, and car rental services to store user data and provide authorities with direct access to the gathered information, enabling law enforcement agencies and special services to match telecommunications data with data from online services..<sup>23</sup> Belarusian authorities continue to use facial recognition technology "[Kipod](#)" to identify and prosecute participants of 2020 protests.

## CIVIL SOCIETY PARTICIPATION

In Belarus, there is a basic problem with the recognition by the state of the importance of the role played by citizens, as well as civil society as a whole. State bodies at all levels, including representative ones, are not focused on the fact that public participation in the decision-making process strengthens the legitimacy of decisions made by the state. This leads to the formation of non-inclusive and non-transparent forms of decision-making at all levels.

Belarusian legislation enshrines various instruments and forms of citizens' participation in shaping the agenda of the decision-making process. However, in practice, these forms do not actually work or work inefficiently. Despite the fact that in 2019 amendments were made to the Law "On Regulatory Legal Acts" and by-laws adopted in its development, which somewhat expanded the mechanisms of participation of citizens and organizations in the rule-making process, they still remained ineffective. In Belarus, there are no concepts of interaction between state authorities and civil society organizations, public-private partnership programs approved at the legislative level.

Since 2021, there has been a massive destruction of civil society organizations. As of November 1, 2023, 933 civil society organizations have been forcibly liquidated and 526 have been forced to self-liquidation.<sup>24</sup> Among these organizations are those dealing with issues related to the provision of public services. Such organizations were forced to cease their activities, but some of them continue to operate abroad. Nevertheless, the involvement of civil society organizations in a dialogue with the state is currently impossible.

In 2023, a new Law "On the Fundamentals of Civil Society" was adopted.<sup>25</sup> It contains a definition of civil society and civil society actors, as well as the main tasks of interaction

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<sup>23</sup> Decree of the President of the Republic of Belarus "On the interaction of telecommunication operators, telecommunication service providers, and owners of Internet resources with bodies carrying out operational-search activities", 18 October 2022, No. 368: <https://pravo.by/document/?guid=3961&p0=P32200368>

<sup>24</sup> Lawtrend, Monitoring of NGOs in Belarus that are in the process of forced liquidation and have decided to self-liquidate: <https://www.lawtrend.org/liquidation-nko>

<sup>25</sup> Law of the Republic of Belarus "On the Foundations of Civil Society", 14 February 2023, No. 250-Z: <https://pravo.by/document/?guid=12551&p0=H12300250>

between the state and civil society actors. Thus, the state at the legislative level has clearly defined who can be a civil society and for what purpose, what kind of civil society it (the state) needs.<sup>26</sup>

## ACCESS TO PUBLIC SERVICE

The main problems in the area of access to public service are discrimination against women in promotion, the lack of clear objective and public criteria for who is eligible for appointment to public service and promotion, the existence of so-called "nepotism" in the appointment to highly paid positions, appointment and promotion based on the criterion of "loyalty" to the country's leadership rather than performance in the previous position. After the mass protests of 2020, there was a tendency to "purge" the state apparatus of undesirable people, as well as to create barriers to access to public service for those who have shown disloyalty to the current government. In October 2023, Decree No. 334 was signed, which established that a citizen cannot be admitted to the diplomatic service and a diplomatic employee cannot be in the diplomatic service if his or her spouse has a residence permit or another document confirming the right to permanent residence in the territory of another state, or another document of a foreign state granting the right to benefits and advantages in connection with political, religious views or national affiliation.<sup>27</sup>

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<sup>26</sup> Belarusian Helsinki Committee, "Human Rights in Belarus: the main trends of public policy", January-June 2023: <https://trends.belhelcom.org/storage/reviews/August2023/pzspkGp9ZZ3AHW9XN53D.pdf>

<sup>27</sup> Decree of the President of the Republic of Belarus, 26 October 2023, No. 334: <https://president.gov.by/bucket/assets/uploads/documents/2023/334uk.pdf>