

HUMAN RIGHTS LITERATURE REVIEW

Belarus

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1 Introduction

The review considers works on human rights published in Belarus during the past three years. It refers to articles published in journals and conference materials (Section B), books (Section C), NGOs' publications (Section D) and relevant dissertations (Section E).

2 Periodical Journals

Preliminary examination of the Belarusian periodicals landscape reveals that there is no journal specializing solely in human rights, and such topics are usually covered in the legal periodical literature. There is a wide range of law journals in the country, but this review provides an outlook of the leading periodicals which are devoted to international law or include, among others, sections on constitutional and international law, where human rights topics are traditionally dealt with.

*Justice of Belarus*¹ is a scientific and practical legal journal published under the aegis of the Ministry of Justice. The journal was founded in 1998 and is issued on a monthly basis. The journal is intended for the legal community, mainly for specialists of the justice system, and is aimed at enhancing legal culture and providing fora for legal improvements and changes. The journal contains sections to inform readers on the latest news and developments in the ministry's work and includes the section 'Commentary. Analysis. Opinion', where scholarly research is presented. This section is subdivided into branches of law, with human rights topics usually being elaborated in the subsections on constitutional and international law. The journal accepts peer-reviewed materials written in Russian or Belarusian.

The recent issues of *Justice of Belarus* contain some articles on the general theory of human rights, including publications on combatting discrimination,²

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1 *Justice of Belarus*, available at: <https://justbel.info/pages/about-us> (last accessed 26 July 2020).

2 Гавриленко (Gavrilenko), Некоторые аспекты совершенствования правовых мер борьбы с дискриминацией, Юстиция Беларуси (Certain aspects of refinement of legal measures to combat discrimination, *Justice of Belarus*), 3 (2020).

the responsibility of a state for human rights violations,³ and an attempt of biological substantiation of human obligations and their primacy over rights.⁴ Most publications refer to specific aspects in particular human rights areas, such as legitimate limitations,⁵ participatory decision-making,⁶ protection of human rights,⁷ rights of certain groups (youth,⁸ persons with disabilities⁹) and personal

- 3 Шабуневич (Shabunovich), Теоретико-прикладные аспекты юридической ответственности государства перед личностью, Юстиция Беларуси (Theoretical and practical aspects of legal responsibility of the state to the individual, Justice of Belarus), 11 (2018).
- 4 Скороход (Scorohod), Публично-правовые обязанности личности: неклассический подход, Юстиция Беларуси (Public-legal duties of the individual: non-classical approach, Justice of Belarus), 7 (2017).
- 5 Шкробот (Shkrobot), Противодействие незаконному обороту наркотиков как основание ограничения прав и свобод личности, Юстиция Беларуси (Countering drug trafficking as a basis for restricting individual rights and freedoms, Justice of Belarus), 7 (2019); Шкробот (Shkrobot), Юхник (Uhnik), О доступе органов уголовного преследования к электронной информации в контексте ограничения права граждан на неприкосновенность личной жизни, Юстиция Беларуси (On access of criminal prosecution authorities to electronic information in the context of restricting the right of citizens to privacy, Justice of Belarus), 7 (2018).
- 6 Шишикин (Shishikin), Общественное обсуждение и опрос как формы непосредственного участия граждан в осуществлении местного самоуправления в Республике Беларусь, Юстиция Беларуси (Public discussions and survey as a form of direct participation of citizens in the realization of local self-governance in the Republic of Belarus, Justice of Belarus), 4 (2020); Щукина (Schukina), О некоторых аспектах гарантий права граждан на обращение в государственные органы, Юстиция Беларуси (On some aspects of guarantees of the right of citizens to appeal to state bodies, Justice of Belarus), 1 (2020); Малец (Malets), О правовом регулировании деятельности общественных объединений потребителей в Республике Беларусь, Юстиция Беларуси (On legal regulation of activity of public associations of consumers in the Republic of Belarus, Justice of Belarus), 5 (2019); Кодавбович (Kodavbovich), Формы участия граждан в управлении государственными и общественными делами на местном уровне властвования народа в Беларуси, Юстиция Беларуси (Forms of participation of citizens in the management of state and public affairs at the local level in Belarus, Justice of Belarus), 6 (2017).
- 7 Нихайчик (Nihaychik), Самозащита работником своих трудовых прав в Республике Беларусь: от теории к практике, Юстиция Беларуси (Self-defense by employees of their labor rights in the Republic of Belarus: from theory to practice, Justice of Belarus), 12 (2019); Кодавбович (Kodavbovich), К вопросу о субъектах государственной защиты прав и свобод человека и гражданина в Республике Беларусь, Юстиция Беларуси (On the subjects of state protection of human and civil rights and freedoms in the Republic of Belarus, Justice of Belarus), 2 (2018).
- 8 Шахновская (Shahnovskaya), Гарантии реализации прав молодежи, Юстиция Беларуси (Guarantees for realization of youth rights, Justice of Belarus), 9 (2018).
- 9 Речиц (Rechits), Научно-практический комментарий к проекту Закона Республики Беларусь «О правах инвалидов и их социальной интеграции»: сравнительно-правовой аспект, Юстиция Беларуси (Scientific and practical commentary on the draft law of the Republic of Belarus "On the rights of persons with disabilities and their social integration": comparative legal aspect, Justice of Belarus), 8 (2019).

data protection.¹⁰ There are also articles on particular human rights, including digital rights,¹¹ rights of children to labour,¹² the right to engage in sports,¹³ somatic rights,¹⁴ on certain problems relating to those rights,¹⁵ as well as on fundamental rights and freedoms in specific contexts (law of savings).¹⁶

*Pravo.by*¹⁷ is a scholarly and practical legal journal published by the National Center of Legal Information of Belarus. *Pravo.by* was first issued in 2008 and is now published six times a year. The journal aims to cover topical issues on the theory and practice of law and accepts peer-reviewed publications from scientists,

- 10 Полещук (Poleschuk), Некоторые аспекты уголовно-правовой охраны информационной безопасности на примере защиты информации о частной жизни и персональных данных, Юстиция Беларуси (Some aspects of criminal law protection of information security on the example of protection of information about private life and personal data, Justice of Belarus), 1 (2020); Кунец (Kunets), Элементы правового статуса государственного уполномоченного органа по защите прав субъектов персональных данных: международно-правовой аспект, Юстиция Беларуси (Elements of legal status of the state-designated body for the protection of the rights of personal data subjects: international legal aspect, Justice of Belarus), 5 (2020).
- 11 Мильман (Milman), Право быть забытым в сети Интернет: проблемы концепции, Юстиция Беларуси (The right to be forgotten on the Internet: problems of the concept, Justice of Belarus), 12 (2017).
- 12 Боровая (Borovaya), Некоторые вопросы реализации несовершеннолетними права на труд, Юстиция Беларуси (Some issues related to the exercise of the right to work by minors, Justice of Belarus), 1 (2018).
- 13 Тимофейчик (Timofeichik), Право на занятие спортом: базовые принципы, Юстиция Беларуси (The right to engage in sports: basic principles, Justice of Belarus), 3 (2020).
- 14 Лукашов (Lukashov), Лещук (Leshchuk), Правовое регулирование и практическая реализация презумпции согласия умершего на забор органов и тканей после его смерти, Юстиция Беларуси (Legal regulation and practical implementation of the presumption of consent of the deceased to take organs and tissues after his death, Justice of Belarus), 8 (2018); Василевич (Vasilevich), Соматические права в системе иных прав и свобод человека и гражданина, Юстиция Беларуси (Somatic rights in the system of other human and civil rights and freedoms, Justice of Belarus), 10 (2018).
- 15 Любич (Lubich), Значение провокации преступления при оценке допустимости доказательств с позиции соблюдения права на справедливое судебное разбирательство, Юстиция Беларуси (The significance of provocation of a crime in assessing the admissibility of evidence from the perspective of respect for the right to a fair trial, Justice of Belarus), 1 (2019); Валюшко-Орса (Valiushko-Orsa), Правовое регулирование охраны изображения гражданина, Юстиция Беларуси (Legal regulation of the protection of a citizen's image, Justice of Belarus), 10 (2017); Петрова (Petrova), Реализация концепции разумного срока производства по делам о преступлениях несовершеннолетних в Республике Беларусь, Юстиция Беларуси (Implementation of the concept of a reasonable time limit for proceedings in cases of juvenile crimes in the Republic of Belarus, Justice of Belarus), 3 (2020); Савицкий (Savitskiy), Защита жилищных прав детей, находящихся в социально опасном положении, Юстиция Беларуси (Protection of housing rights of children in socially dangerous situations, Justice of Belarus), 4 (2020); Колошич (Koloshich), Современное правовое регулирование института приемной семьи, Юстиция Беларуси (Modern legal regulation of the institution of foster family, Justice of Belarus), 9 (2019).
- 16 Гаврильченко (Gavrilychenko), Конституционные права и свободы человека (гражданина) и их реализация в сберегательном процессе, Юстиция Беларуси (Constitutional rights and freedoms of a person (citizen) and their implementation in the savings process, Justice of Belarus), 10 (2019).
- 17 *Pravo.by*, available at: <https://ncpi.gov.by/produkcija-i-uslugi/zhurnal-pravo-by> (last accessed 26 July 2020).

practitioners, teachers and PhD and master's students. The content of the journal is grouped around such sections as the latest legal developments, commentaries on legislation and scholarly publications on various branches of law and legal disciplines. Articles on human rights most commonly are found in the subsections on constitutional and international law. Noteworthy is a subsection on information and informatization law, which provides articles on access to information, e-governance, e-democracy and e-justice. The articles are published in Russian or Belarusian. The abstracts of publications are available in English and may be accessed via the journal's website.¹⁸

In reading the past three years of the journal's issues, readers may become acquainted with the human rights aspects relating to the right to privacy,¹⁹ linguistic rights,²⁰ implementation of the European Convention of Human Rights,²¹ protection of human rights in the event of the introduction of unilateral forced measures,²² human rights in information society²³ and the battle against human trafficking.²⁴ There are articles on various aspects of the right to justice

- 18 Право.by, available at: <https://ncpi.gov.by/produkcija-i-uslugi/zhurnal-pravo-by/arkhiv/> (last accessed 26 July 2020).
- 19 Кунец (Kunets), Историко-правовые аспекты конституционализации права на личную жизнь в Беларуси (1434-1990 гг.), Право.by (Historical and legal aspects of the constitutionalization of the right to privacy in Belarus (1434-1990), Pravo.by), 2 (2020).
- 20 Солдатенко (Soldatenko), Лингвистические (языковые) права: понятие и международно-правовое регулирование, Право.by (Linguistic (language) rights: concept, international and legal regulation, Pravo.by), 2 (2020).
- 21 Филатова (Filatova), Влияние Европейской конвенции о защите прав человека и основных свобод на формирование стандартов справедливого судебного разбирательства (опыт Российской Федерации), Право.by (The impact of the European Convention for the Protection of Human Rights and Fundamental Freedoms on the development of fair trial standards (Russian experience), Pravo.by), 6 (2019); Дикман (Dikman), Имплементация Европейской конвенции по правам человека: сотрудничество стран – членов Совета Европы в области судопроизводства, Право.by (Implementation of the European Convention on Human Rights: cooperation of members States of the Council of Europe in the field of judiciary, Pravo.by), 6 (2019).
- 22 Довгань (Douhan), Механизмы защиты прав человека в случае введения односторонних принудительных мер в деятельности специальных механизмов Совета ООН по правам человека, Право.by (Mechanisms for the protection of human rights in the event of the introduction of unilateral forced measures in the activities of the special mechanisms of the UN Council on Human Rights, Pravo.by), 6 (2017).
- 23 Юрочкин (Yurochkin), Права человека в информационном обществе, Право.by (Human rights in the information society, Pravo.by), 5 (2017).
- 24 Емельянович (Emelyanovich), К вопросу о специальном принципе применения государствами комплексного (всестороннего) подхода к противодействию торговле женщинами и детьми в рамках международно-правового сотрудничества, Право.by (On special principle of complex (comprehensive) states approach to combating trafficking in women and children within international cooperation, Pravo.by), 1 (2019).

(right to appeal to state bodies,²⁵ individual access to constitutional justice,²⁶ access of international civil servants to justice,²⁷ the position of an individual in international courts²⁸) and human rights aspects in criminal law and procedure.²⁹ A range of publications is devoted to the right to information³⁰ (including medical information in the e-health context³¹) and its accessibility.³² There are

- 25 Щукина (Shchukina), Вопросы реализации права граждан на обращение в государственные органы, *Право.by* (Issues of implementation of the right of citizens on the appeal to the state bodies, *Pravo.by*), 5 (2018).
- 26 Петрович (Petrovich), Особенности индивидуального доступа к конституционному правосудию в Республике Беларусь и перспективы его совершенствования, *Право.by* (Peculiarities of individual access to constitutional justice in the Republic of Belarus and prospects for its improvement, *Pravo.by*), 1 (2020).
- 27 Сейтимова (Seitimova), Доступ международных гражданских служащих к правосудию: международный опыт для Евразийского экономического союза, *Право.by* (Access of international civil servants to justice: international experience for the Eurasian Economic Union, *Pravo.by*), 2 (2020).
- 28 Мороз (Moroz), Институциональный аспект реализации стандартов правосудия с участием индивида международными судами, *Право.by* (Institutional aspect of the justice standards implementation with participation of individuals in international courts, *Pravo.by*), 2 (2019).
- 29 Шевцов (Shevtsov), Достоинство личности и принципы уголовного закона и уголовной ответственности, *Право.by* (Dignity of the person and principles of criminal law and criminal liability, *Pravo.by*), 4 (2018); Букато (Bukato), Длительность производства по уголовному делу в контексте права на справедливое судебное разбирательство, *Право.by* (Duration of proceedings on the criminal case in the context of the right to a fair trial, *Pravo.by*), 2 (2019).
- 30 Карпович (Karpovich), Право на информацию в практике Конституционного Суда Республики Беларусь, *Право.by* (The right to information in practice of the constitutional court of the Republic of Belarus, *Pravo.by*), 5 (2017).
- 31 Абламейко (Ablameyko), Шакель (Shakel), Права пациента на доступ к информации о своем здоровье в условиях электронного здравоохранения, *Право.by* (Patient's rights to access to health information in conditions of e-health, *Pravo.by*), 1 (2020); Василевич (Vasilevich), О некоторых аспектах обеспечения права на информацию и развития информационных технологий при оказании медицинской помощи, *Право.by* (About some aspects of ensuring the right to information and development of information technologies in the rendering of medical aid, *Pravo.by*), 6 (2018).
- 32 Бекета (Beketa), Воскобойникова (Voskoboinikova), Актуальные вопросы обеспечения свободного доступа к официальной правовой информации Республики Беларусь, *Право.by* (Actual issues of ensuring of free access to official legal information of the Republic of Belarus, *Pravo.by*), 6 (2017); Парфенчик (Parfenchyk), Роль законодательства о доступности информации в предоставлении электронных государственных услуг, *Право.by* (The role of legislation on accessibility of information in the provision of electronic public services, *Pravo.by*), 2 (2020).

also a number of articles relating to public discussions of legal acts in the e-context.³³

*The Journal of International Law and International Relations*³⁴ is a peer-reviewed scientific journal issued twice a year. It was established in 1996 and is currently managed by the international non-governmental association Evolutio, which is tasked with scientific research and educational programs. The journal aims to explore contemporary topics of international law and relations and is open to publications from researchers, practitioners and PhD and master's students, all subject to a peer review. The journal occasionally publishes materials on the problematics of human rights law and quite regularly on migration law (including the issues of human trafficking and the status of refugees and stateless persons). Recent issues explore the legal nature of international human rights standards,³⁵ elaborate on the rights of 'environmental refugees',³⁶ deal with the refining of national regulation in the sphere of migration³⁷ and address participation of Belarus in combatting human trafficking.³⁸ Contributions to the journal are

- 33 Перепелица (Perpelitsa), Институт публичного обсуждения проектов нормативных правовых актов в условиях становления электронной демократии, Право.by (Public discussion of the draft legal or regulatory instrument in an emerging e-democracy, Pravo.by), 3 (2018); Перепелица (Perpelitsa), Публичное обсуждение проектов нормативных правовых актов в цифровом пространстве, Право.by (Public discussion of draft normative legal acts in a digital space, Pravo.by), 3 (2019); Андросчук (Androshchuk), Использование информационно-коммуникационных технологий для публичного обсуждения проектов нормативных правовых актов в странах дальнего зарубежья, Право.by (The use of information and communication technologies for public discussion of draft regulations in the countries further afield, Pravo.by), 4 (2018); Андросчук (Androshchuk), Швед (Shved), Опыт стран постсоветского пространства по использованию информационно-коммуникационных технологий для публичного обсуждения проектов нормативных правовых актов, Право.by (Experience of the countries of the post-Soviet space on the use of information and communication technologies for public discussion of the projects of normative legal acts, Pravo.by), 4 (2018).
- 34 *Journal of International Law and International Relations*, available at: <https://fir.bsu.by/elib-in-menu/beljournal-in-menu> (last accessed 26 July 2020).
- 35 Зыбайло (Zybailo), Федорова (Fedorova), К вопросу о правовой природе и сущности международных стандартов прав и свобод человека, Журнал международного права и международных отношений (Towards of the Issue of the Legal Nature and Essence of International Standards of Human Rights and Freedoms, *Journal of International Law and International Relations*), 1-2 (2018).
- 36 Змачинская (Zmachinskaya), Карканица (Karkanitsa), Проблемные аспекты регламентации статуса «экологических беженцев» в международном праве, Журнал международного права и международных отношений (Addressing Problems of the "Environmental Refugees" Regulation in International Law, *Journal of International Law and International Relations*), 1-2 (2018).
- 37 Федорако (Fedorako), Совершенствование законодательства Республики Беларусь о правовом положении иностранцев, Журнал международного права и международных отношений (Improving the Legislation of the Republic of Belarus on the Legal Status of Foreigners, *Journal of International Law and International Relations*), 1-2 (2018).
- 38 Емельянов (Emelyanov), Международное сотрудничество в противодействии торговле людьми: белорусский аспект, Журнал международного права и международных отношений (International Cooperation in Counteracting Human Trafficking: Belarusian Aspect, *Journal of International Law and International Relations*), 3-4 (2019).

written in Russian or Belarusian, with abstracts of articles available in English. In addition to the printed version, the journal is also published in an e-format and is open-access.

*The Journal of the Belarusian State University*³⁹ was founded in 2017 as a successor to various journals published by the university faculties. It is peer reviewed and accepts original articles from Belarusian and foreign scholars who have obtained advanced research degrees. The journal rarely refers to the problematics of human rights, but singular articles appear in the series *International Relations* (published in English), which deals with interdependence between fundamental human rights and coercive measures of states⁴⁰ and the legal status of an individual in international litigation (aimed at revealing the humanization of international procedural law),⁴¹ and the series *Law*, which deals with the right to voluntary starvation in the context of the right to life,⁴² the concept of disability⁴³ and the credit information system as a limitation of the right to privacy.⁴⁴ They are published in Russian, Belarusian or English. Articles are open-access and available in an e-format.

Besides legal journals, human rights publications may be encountered in the collections of materials of various conferences and other scientific events, such as 'Belarus in the Modern World',⁴⁵ 'Criminal proceeding based on the rule of law as

- 39 Journal of the Belarusian State University, available at: <https://journals.bsu.by/index.php/> (last accessed 26 July 2020).
- 40 Довгань (Douhan), Основополагающие права человека и принудительные меры: влияние и взаимозависимость, Журнал Белорусского государственного университета. Международные отношения (Fundamental Human Rights and Coercive Measures: Impact and Interdependence, Journal of Belarusian State University. International Relations), 1 (2017).
- 41 Михалева (Mikhaliouva), Правовой статус физического лица в международном судопроизводстве, Журнал Белорусского государственного университета. Международные отношения (Legal status of an individual in international litigation, Journal of Belarusian State University. International Relations), 1 (2019).
- 42 Василевич (Vasilevich), О праве человека на добровольное голодание в контексте права на жизнь, Журнал Белорусского государственного университета. Право (On the human right to voluntary starvation in the context of the right to life, Journal of Belarusian State University. Law), 3 (2017).
- 43 Новикова (Novikova), Определение понятий, связанных с инвалидностью, на современном этапе развития законодательства Республики Беларусь, Журнал Белорусского государственного университета. Право (Definition of concepts of disability at the present stage development of the legislation of the Republic of Belarus, Journal of Belarusian State University. Law), 3 (2017).
- 44 Мисько (Misko), Реализация права на защиту от незаконного вмешательства в личную жизнь в принципах кредитного информирования, Журнал Белорусского государственного университета. Право (Realization of the right to protection against illegal intervention into personal life in the principles of credit information, Journal of Belarusian State University. Law), 1 (2019).
- 45 Materials of the Conference held in 2017 are available at: www.fir.bsu.by/elib-in-menu/conference-materials-in-menu?view=article&id=9530&catid=111 (last accessed 26 July 2020); in 2018 at: www.fir.bsu.by/elib-in-menu/conference-materials-in-menu?view=article&id=11683&catid=111 (last accessed 26 July 2020); in 2019 at: www.fir.bsu.by/elib-in-menu/conference-materials-in-menu?view=article&id=13225&catid=111 (last accessed 26 July 2020).

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the means to ensure human rights',⁴⁶ 'Current issues of ensuring rights of people with disabilities',⁴⁷ 'Problems of ensuring rights of persons with disabilities and other persons in need of additional social protection'⁴⁸ and 'Migration and Human Rights'.⁴⁹

3 Books

The years 2019 through 2020 were marked by a surge in major publications on human rights.

Groundbreaking for the country is the monograph *Constitutional Foundations of Realization of Somatic Rights: Theory and Practice*⁵⁰ (2019). It comprehensively covers diverse dimensions of the new generation of human rights. The book provides valuable insight into the nature and content of somatic rights, their correlation with other fields of social relations and the impact on their content of moral rules and attitudes towards abortion, *in vitro* fertilization (IVF), surrogacy, etc. The author critically dwells on legal regulation in the field of reproductive rights, including bioethical problems dealing with ensuring the right of the human embryo to life, the right to artificial insemination, surrogate motherhood, human cloning and gender reassignment. The author determines his attitude on euthanasia, explores post-death treatment and touches upon body-hacking. He considers the problems of organ and tissue transplantation, with a number of proposals presented for further development of legislation to protect recipients and donors and prevent possible abuses in this area.

Noteworthy is a series of publications from the Human Rights Center at the Faculty of International Relations of Belarusian State University (hereinafter Human Rights Center) prepared through academic cooperation between Belarusian universities and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (hereinafter Raoul Wallenberg Institute): *Interdisciplinary Research in the Field of Human Rights*,⁵¹ *Gender Criminology: Notion, Structure,*

46 Materials of the Conference held in 2017 are available at: <https://elib.bsu.by/handle/123456789/187494> (last accessed 26 July 2020).

47 Materials of the Conference are available at: <http://law.gsu.by/index.php/ru/nauchnayarabota/konferentsii?layout=edit&id=1212> (last accessed 26 July 2020).

48 Materials of the Roundtable are available at: <https://elib.bsu.by/handle/123456789/192961> (last accessed 26 July 2020).

49 Materials of the Conference are available at: <https://humanconstanta.by/sbornik-dokladov-konferencii-migraciya-i-prava-cheloveka> (last accessed 26 July 2020).

50 Василевич Д.Г. (Vasilevich D.), Конституционные основы реализации соматических прав: теория и практика (Constitutional Foundations of Realization of Somatic Rights: Theory and Practice), 2019, 368 p.

51 Междисциплинарные исследования в области прав человека (Interdisciplinary Research in the Field of Human Rights)/Human Rights Center at the Faculty of International Relations of Belarusian State University, 2020, 220 p.

Content,⁵²*Ensuring Human Rights in the Field of Organ and Tissue Transplantation*,⁵³*Medical Worker and Patient: Interaction in the E-Health Context*⁵⁴ and *Migrant Handbook in Questions and Answers*.⁵⁵

Interdisciplinary Research in the Field of Human Rights (2019, 2020) was authored by twenty scholars from different regions of Belarus and comprises five sections. The first section addresses the relevance of an interdisciplinary approach in human rights research and its advantages and difficulties in implementation, and it explains the general context of the research results presented in the book. The further four sections illustrate the results received through an application of the interdisciplinary approach in different highly relevant areas of human rights. Problems of gender criminology (Section 2) and business and human rights (Section 5) are innovative for the Belarusian scholarly discourse. The novel aspects of the topic of the rights of persons with disabilities (Section 3) lie in the interdisciplinary nature of research and its focus on ensuring certain human rights through realization of labour potential and inclusive education. The team of authors working with the field of migrants' rights (Section 4) used a lens that had not been previously used in Belarusian scholarship – the process of migrants' integration into the host community.

Interdisciplinary Research in the Field of Human Rights is the result of the first attempt of the Human Rights Center to organize interdisciplinary interaction with constant reflection of participants on the process itself and the results obtained. The second publication of the series came out in the autumn of 2020 and contained sections with interdisciplinary research results on the right to equal access to education, the right of youth to participate in the conduct of public affairs and the best interests of a child in criminal investigation. It also contained two sections addressing certain human rights problems in the context of digitalization: the right to the confidentiality of messages sent through data transmission services and the interaction of medical workers and patients in the e-health context. A specific, task-targeted section was prepared by a team of experts in law, sociology and economics – support for unemployed women in district centres in organizing certain types of economic activities (studied on the example of the Mogilev region).

It seems that those compendiums may not only be of interest for researchers and practitioners in the field of human rights but may also serve as a case study for scholars researching the phenomenon of interdisciplinarity. Some of the

- 52 Гендерная криминология: понятие, структура, содержание (Gender Criminology: Notion, Structure, Content)/Афонченко [и др.] (Afonchenko and others), 2020, 144 p.
- 53 Обеспечение прав человека в сфере трансплантации органов и тканей (Ensuring Human Rights in the Field of Organ and Tissue Transplantation) /Ананич [и др.] (Ananich and others), 2020, 128 p.
- 54 Медицинский работник и пациент: взаимодействие в условиях электронного здравоохранения (Medical Worker and Patient: Interaction in the E-Health Context)/Шакедь (Shakel), Абламейко (Ablameiko), 2020, 120 p.
- 55 Справочник мигранта в вопросах и ответах для иностранных граждан и лиц без гражданства (Migrant Handbook in Questions and Answers)/Копыткова (Kopytkova), Горупа (Gorupa), Коновалова (Konovalova), Эсмантович (Esmantovich), 2020, 64 p.

research presented in the compendiums was published in an advanced form in separate publications listed below.

The research presented in *Gender Criminology: Notion, Structure, Content* (2020) aims at forming the theoretical and applied foundations of gender criminology. It argues the need to distinguish the criminality of gender groups as well as the need to include characteristics other than gender in the system of gender criminology to ensure the implementation of an intersectional approach. Practical recommendations are developed for improving crime prevention and social adaptation of convicts based on gender differences in crime. *Migrant Handbook in Questions and Answers* (2020) provides in an accessible form the relevant information regarding the legal aspects of migration to Belarus. In the form of questions and answers, the handbook covers the problems of ensuring the basic socio-economic rights of migrants in the field of employment, education and medical care.

Ensuring Human Rights in the Field of Organ and Tissue Transplantation (2020) and *Medical Worker and Patient: Interaction in the E-Health Context* (2020) stand out among the other publications due to the applied character of the research aimed at formulation of practical recommendations to improve the situation with human rights in the indicated spheres. Both books are the result of the research process involving various roundtables and consultations of authors with other lawyers and doctors. The Ministry of Health of the Republic of Belarus was an active participant of the discussions at every stage of the research process, helping researchers identify the needs, perspectives and current problems in the field of study.

A distinctive feature of the books prepared under the aegis of the Human Rights Center is common guidelines for the authors – *Recommendations on Raising the Quality of Research in the Field of Human Rights*⁵⁶ (2019, 2020). This publication contains twelve recommendations with commentaries which are supposed to serve as guidelines for those who are eager to raise the quality of their research in the field of human rights. Recommendations are based on two pillars – basic principles of scholarly research and a human rights-based approach. The latter is refracted to research as a kind of human activity. The main idea is to help a scholar conduct research on human rights, through human rights and for human rights, which requires application of the relevant principles on all stages of research: its design, implementation and evaluation.

56 Рекомендации по повышению качества научных исследований в области прав человека (Recommendations on Raising Quality of Research in the Field of Human Rights)/Human Rights Center at the Faculty of International Relations, под общ. ред. Е.В. Конновой (ed. by E. Konnova), 2020, 32 p. The draft which was further extensively amended in the course of numerous events was developed for the Human Rights Center on the basis of research 'Ensuring the Quality of Legal Research on Human Rights', which was independently published: Дейкало (Deikalo), Зыбайло (Zybailo) Обеспечение качества юридических исследований по правам человека (Ensuring the quality of legal research on human rights), 2017, 48 p.

*Recommendations on the Integration of the Gender Dimension in Legal Research*⁵⁷ (2018, 2019) is another useful research tool which may be used not only in human rights studies but also in any legal research. It is also the product of academic cooperation between Belarusian universities and the Raoul Wallenberg Institute. The book helps identify and take into account the gender aspect of the problem being studied by presenting a step-by-step algorithm for integrating the gender dimension in research. It describes a number of legal and non-legal methods relevant for specific research tasks with examples for use in legal research. As the book was written by a team of authors representing the fields of legal science, sociology and history, in the description of recommended methods they restricted themselves to methods within their competence. In addition, the publication takes a brief foray into basic concepts and gender theories, provides a short glossary of relevant terms and recommends selected literature about the problem.

4 Publications by NGOs

Human rights also come into the spotlight of the research activity of various NGOs in Belarus. The following section provides an overview of the publications (reports, analytical papers, guides, etc.) produced by Belarusian NGOs. It aims to review the research products of particular NGOs which were selected on the basis of such factors as producing publications directly related to human rights, recognition of the expertise of NGOs in their fields of specialization, as well as the carrying out of research and analytical activity by NGOs on a regular and non-sporadic basis.

The Belarusian Helsinki Committee (BHC) is one of the oldest human rights organizations in Belarus and was founded in 1995. The BHC aims to promote human rights as a 'paramount element of economic and human development' and strives to facilitate dialogue as well as participation and collaboration among different stakeholders for a better living environment.⁵⁸ Currently, its priority issues are business and human rights, non-discrimination, a human rights-based approach, international human rights mechanisms and the death penalty.

The 'business and human rights' topic has become and remains a topic of dynamic and constant research for BHC, with a number of works⁵⁹ having been recently published. In 2019, the comprehensive guide *Belarus: Business and Human Rights*⁶⁰ was published to provide an overview of the situation in relation

57 Рекомендации по интеграции гендерного измерения в юридические исследования (Recommendations on integration of gender dimension in legal research)/Краснобаева [и др.] (Krasnobaeva and others), 2018, 44 p.

58 Website of Belarusian Helsinki Committee, available at: <https://belhelcom.org/en/about> (last accessed 24 July 2020).

59 The publications provided below were elaborated by BHC in collaborative authorship with external experts (E. Deikalo) in the field of business and human rights.

60 Беларусь: Бизнес и права человека (Belarus: Business and Human Rights), Belarusian Helsinki Committee, 2019, available at: https://belhelcom.org/sites/default/files/bizhumanrights_2.0.pdf (last accessed 23 July 2020).

to the observance of human rights by commercial entities in Belarus. The guide supplies readers not only with the theoretical framework for the topic but, importantly, also sets out practical instructions for integrating human rights into the management and operation systems of the commercial sector. The guide is the second publication on the topic – it logically follows the 2016 guide *Belarus: Human Rights and Business*. However, the 2019 edition was prepared by taking into account feedback from experts, businesses and state bodies, as well as modern developments within international fora and recent legal and social changes at the national level. As a supplement to the 2019 guide, the analytical review *Why Should Human Rights Matter to Business? Benefits for Companies*⁶¹ from 2019 was written to inform companies on the advantages which may be gained if a human rights agenda is mainstreamed within business processes.

In 2020, the field of business and human rights has become extremely topical in the wake of the outbreak of COVID-19. To sensitize business to the need to balance commercial interests and human rights, the analytical note *COVID-19, Business and Human Rights: Challenges and Behavioural Strategies*⁶² was prepared to describe the factors which help strike such a balance and to provide concrete steps for businesses and authorities in protecting human rights in the context of the pandemic.

Human Constanta is an NGO which has been operating in Belarus since 2016. It focuses on three main areas: protection of the rights of foreign citizens and stateless persons, anti-discrimination and human rights education, and promotion of digital freedoms and rights. For the relatively short period of its operations, the organization has already produced noteworthy publications demonstrating expertise in chosen fields. In 2018, Human Constanta initiated the study *Independence of the Personal Data Protection Authority: Recommendations for Belarus*⁶³ to support the process of development of national legislation on personal data protection and describe good foreign practices in establishing designated supervisory body on personal data protection. In 2019, Human Constanta conducted another study titled *Online Activism and Digital Rights*⁶⁴ to assess the level of awareness of the Belarusian population about their digital rights, personal data and the potential of online activism. Apart from digital rights, the NGO regularly publishes analytical documents on the rights and status

61 Зачем бизнесу права человека? Выгоды для компаний (Why should human rights matter to business? Benefits for Companies), Belarusian Helsinki Committee, available at: https://belhelcom.org/sites/default/files/benefits_4.pdf (last accessed 23 July 2020).

62 COVID-19, Бизнес и права человека: вызовы и стратегии поведения (COVID-19, Business and Human Rights: Challenges and Behavioral Strategies), Belarusian Helsinki Committee, 2020, available at: https://belhelcom.org/sites/default/files/covid-19_businesshuman_rights_5.0_0.pdf (last accessed 23 July 2020).

63 Независимость органа по защите персональных данных: рекомендации для Беларуси (Independence of the personal data protection authority: Recommendations for Belarus), Human Constanta, 2018, available at: <https://humanconstanta.by/issledovanie-nezavisimost-organa-po-zashhite-personalnykh-dannykh> (last accessed 23 July 2020).

64 Онлайн-активизм и Цифровые права (Online Activism and Digital Rights), Human Constanta, 2019, available at: <https://humanconstanta.by/issledovanie-onlinovyi-aktivizm> (last accessed 23 July 2020).

of refugees and migrants in Belarus. In 2017, Human Constanta prepared the analytical note *Forced Migration in Belarus*⁶⁵ which describes the international standards in the regulation of forced migration and provides a review of the respective drawbacks in the national system. As a part of its monitoring function, this NGO produces a series of periodical reports titled *Review of the Situation of Transit Refugees in Brest*⁶⁶ (first published in 2017), observing the status of the forced migrants who attempt to cross the Belarusian-European Union (EU) border and apply for asylum in Poland.

Gender Perspectives is one of the prominent gender-oriented NGOs in Belarus. It was established in 2010 with the main goal of promoting actual gender equality, eliminating discrimination based on sex and preventing gender violence. The organization constantly conducts research and produces quality publications on the topics of its specialization. In recent years, it has presented a number of publications aiming to advance the issues of combatting human trafficking and gender disparity in society. In 2017, the handbook *Prevention of Human Trafficking and Gender Inequality – The Impact on Change for the Better*⁶⁷ was produced to enhance the role of civil society organizations in combatting trafficking in persons and gender inequality. In particular, it describes useful tools and techniques which may be used by NGOs in advancing the interests of the public and its constituencies. In addition to the handbook, the analytical review *Creation of Coordination Mechanisms in the Field of Combating Human Trafficking. Theory and Practice*⁶⁸ of 2017 was produced to support authorities in implementing international obligations requiring state bodies to coordinate their efforts with NGOs engaged in combatting human trafficking.

Other areas of research by Gender Perspectives include discrimination based on gender in the labour market. In 2018, the NGO produced a scientific and practical guide with recommendations informed by the sociological study *Gender Discrimination in the Labour Market and Employment*.⁶⁹ The topic was further developed in the 2019 study *Conditions of Access to the Labour Market in the High-*

65 Вынужденная миграция в Беларуси (Forced Migration in Belarus), Human Constanta, 2017, available at: <https://humanconstanta.by/vynuzhdennaya-migraciya-v-belarusi> (last accessed 23 July 2020).

66 Обзор ситуации с «транзитными беженцами» в Бресте (Review of the Situation of 'Transit Refugees' in Brest), Human Constanta, available at: <https://humanconstanta.by/publications> (last accessed 23 July 2020).

67 Преупреждение торговли людьми и гендерного неравенства – влияние для изменений к лучшему (Prevention of Human Trafficking and Gender Inequality – the Impact on Change for the Better), Gender Perspectives, 2017, available at: www.genderperspectives.by/images/british/posobie.pdf (last accessed 23 July 2020).

68 Создание координационных механизмов в области борьбы с торговлей людьми. Теория и практика (Creation of coordination mechanisms in the field of combating human trafficking. Theory and practice), Gender Perspectives, 2017, available at: www.genderperspectives.by/images/fominaobzor/ATcoord-n_Fomina_final.pdf (last accessed 23 July 2020).

69 Гендерная дискриминация на рынке труда и при приеме на работу (Gender discrimination in the labour market and employment), Gender Perspectives, 2018, available at: www.genderperspectives.by/mediamaterialy/nashi-izdaniya/539-issledovanie-gendernaya-diskriminatsiya-na-rynke-truda-i-pri-prijome-na-rabotu (last accessed 23 July 2020).

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*Tech Sphere. Young Women of Mogilev and Bobruisk.*⁷⁰ The study determines the incentives and practical challenges of the high-tech job market for professional growth and career development for women in Belarus.

5 Relevant Dissertations

Belarus has a two-level system of advanced research degrees: a candidate of sciences (equivalent to a PhD) and a doctor of sciences (equivalent to a Dr habil.). For the past three years, three dissertations on human rights have been defended in Belarus, with one doctoral thesis scheduled for defense in September 2020. In all these dissertations, the problematics of human rights are explored through the lenses and perspective of constitutional law and order.

Constitutional and Legal Protection of Inviolability of Person in the Republic of Belarus from 2018 is a PhD thesis written by Denis Lychkovskiy (Belarusian State University). The dissertation contains an analysis of the guarantees of the right to inviolability and its correlation with other fundamental rights and freedoms. The author's contribution to the domestic doctrine of constitutional law and human rights lies in the formulation of the main features of the right to inviolability and the content and constituent elements of such a right. Moreover, Lychkovskiy makes some practical recommendations for amendments to legislation to ensure the better protection of the rights of persons in the context of law enforcement, arguing that certain legal acts narrowly approach the right to inviolability. In particular, he suggests that law enforcement officials should be imposed with the obligation to ensure the personal security of citizens who have been legally subjected to coercive law enforcement measures. In addition, the obligation of authorities to ensure physical protection needs to be supplemented with the obligation to ensure moral protection (the right to honour, dignity, good name and business reputation).

Legal Responsibility of the State in the Violation of Constitutional Rights and Freedoms of Person in the Republic of Belarus of 2018 is a PhD dissertation by Svetlana Shabunevich (Belarusian State University). The dissertation dives into the evolution of the responsibility of the state for infringements of constitutional rights and freedoms, and determines its nature and scope. The author asserts that the responsibility of the state is based on two inter-related concepts – the 'legal responsibility of the state' (constitutional and civil) and the 'legal responsibility of state bodies and officials' (constitutional, administrative, criminal and disciplinary) – and may be realized in restorative (non-material) and compensatory (material) forms. Shabunevich aims to establish the limits of state

70 Условія доступу к рынку труда в сфере высокіх тэхналогій. Маладыя жаншыны Могілева і Бобруйска (Conditions of access to the labor market in the high-tech sphere. Young women of Mogilev and Bobruisk), Gender Perspectives, 2019, available at: www.genderperspectives.by/mediamaterialy/nashi-izdaniya/635-issledovanie-usloviya-dostupa-k-rynku-truda-v-vysokotekhnologicheskoy-sfere-molodye-zhenshchiny-mogileva-i-bobrujska (last accessed 23 July 2020).

responsibility by describing grounds for exception from liability (e.g. violation occurred outside public functions, guilt or omission on the side of person). The thesis contributes to the determination of the problematic aspects and prospects for the development of legislation in this field. For instance, the author recommends amending budgetary law to reflect the compensatory responsibility of the state in the violation of constitutional rights and freedoms; altering certain aspects of the constitutional review procedure of legal acts; and supplementing administrative rules with the responsibility of state officials in the context of public service provision.

Guarantees of Realization of the Constitutional Right to Higher Education in the Republic of Belarus of 2018 is a PhD dissertation by Olga Drobysh (Belarusian State University). The dissertation determines the scope and content of the right to higher education, examines its guarantees in the legal and institutional frameworks and explores the powers of competent state bodies in the realization of this right. Drobysh proposes introducing principles which could strengthen the autonomy of higher education institutions and recommends incorporating a legal provision allowing state bodies to intervene in the work of educational institutions only in cases prescribed by law. In addition, the author provides a definition of the academic freedoms to be included into the Code of Education, recommends legal incorporation of the right of students to protect their freedoms and suggests extension of the rights of teaching staff. She has a clear stance that the national educational practice should be mainstreamed with a democratic election of the head of an educational institution, who needs to be accountable to self-government bodies. At the same time, the author outlines the grounds of responsibility of educational institutions in order to ensure better protection of the right to higher education (e.g. such grounds as failure to perform assigned functions; implementation of educational programmes not in full; unjustified refusal at the student acceptance stage; illegal restriction of the right to education; and causing harm to students in the course of educational activities). As another novelty to the national system of guarantees of the right to higher education, Drobysh stresses the importance of establishing a commission for the resolution of disputes among the participants of educational relations. As such, the dissertation provides innovative ideas for reforming the existing Belarusian framework of guarantees of the right to higher education.

6 Summary

The research in the field of human rights in Belarus is quite diverse. A variety of publications devoted to specific human rights issues in different areas may be explained by the fact that most authors refer to human rights sporadically within the scope of their research interests in other fields. At the same time, some tendencies may be identified. Firstly, many studies are influenced by the changes occurring in society in the wake of development of modern technologies, the process of digitalization and e-governance. Secondly, there is a substantial

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amount of research material on the rights of particular population groups (women, children, persons with disabilities, migrants). Finally, there are gender-focused, gender-related and gender-mainstreamed publications produced within an institutional framework where considering gender dimension in research is a requirement as well as independent research outside of such a framework.