



EUROPEAN NETWORK ON INDEPENDENT LIVING

Brussels Office

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ENIL Brussels Office is registered as a non profit organisation in Belgium under reg. number 0628829521.

Ms. Kostevich Irina Anatolyevna
Minister of Labour and Social Protection
Ministry of Labour and Social Protection
Republic of Belarus
220004, Minsk
23 Pobeditelei Avenue (Room No. 2)
press@mintrud.gov.by

3 May 2017

OPEN LETTER TO THE MINISTER OF LABOUR AND SOCIAL PROTECTION

Dear Ms. Kostevich Irina Anatolyevna,

We are writing on behalf of the European Network on Independent Living (ENIL, Belgium), the Office for the Rights of Persons with Disabilities (ORPD, Belarus) and Mental Health Perspectives (MHP, Lithuania) to express our deepest concern about the neglect of children with disabilities in residential institutions in Belarus. Our non-governmental organisations are promoting the transition from institutional care to community living in Belarus, for persons with disabilities, and this case highlights the need for immediate action by the Belarusian authorities.

The treatment of children in institutions has been known for some time to ORPD and came to global attention through the [Guardian newspaper](#), on 20 April 2017, via the Belarus online magazine [Imena](#). The article exposed the severe and long-term malnourishment of children and young persons with disabilities in orphanages across Belarus. It also publicised the unacceptable attitudes of professionals ‘caring’ for these children and young people, who think it is appropriate to keep them in such conditions, because of their disability. This demonstrates a complete lack of understanding for the rights of the child and the human rights-based approach to disability, as promoted by the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities (further referred to as the ‘CRPD’).

We welcome the fact that Belarus ratified the CRPD in 2016, thus signalling its commitment to improving the situation of persons with disabilities. You will be aware that the placement of persons with disabilities in long-stay residential institutions, including children and young people, is a violation of their right to live independently and be included in the community (Article 19 CRPD). The implementation of the CRPD therefore requires States Parties to develop and implement a national framework for the closure of residential institutions and to invest in the development of high quality services in community and access to the mainstream society.

Asked for comment on the situation in Belarus, Professor Jonas Ruškus, an Expert Member of the UN Committee on the Rights of Persons with Disabilities (UN CRPD Committee), noted:

‘The shocking situation in Belarus orphanages demonstrates a very painful truth about a reality of discrimination, which is still too common and widespread in Belarus and other countries, especially in Eastern Europe. Many persons with disabilities, including children, still live, study or work in special institutions, excluded from society. This shows a lack of awareness of



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authorities, professionals and society about inclusion, and a lack of willingness to build inclusive society through developing accessible community-based services and support for independent living within society. It is not surprising that many human rights violations, abuse and neglect, including malnutrition, exist in segregating institutions.

Regardless of the type of impairment, every person has a right to live on an equal basis with others. Belarus has ratified the CRPD in 2016. As a CRPD Committee member, I welcome this decision by the government of Belarus and call on Belarus to implement decisively the Convention in its national law, policies and practice without a delay. The Convention provides a solid ground for the realisation of rights of persons with disabilities. The implementation of the Convention requires that all State Parties, including Belarus, stop investments in institutions and ensure that persons with disabilities can live independently and be included in the community, as set out by Article 19 of the Convention. Other relevant provisions of the Convention, including related to the right of persons with disabilities to life, to liberty and security, to freedom from torture or cruel, inhuman or degrading treatment, to freedom from exploitation, violence and abuse (Articles 10, 14, 15 and 16) should also be implemented, as part of the Government's commitment to realising the rights of persons with disabilities.'

Given the situation of children and young persons with disabilities in Belarus, and the lack of family and community-based alternatives, the undersigned organisations call on the Belarusian authorities to:

- Take urgent measures to **ensure the health and wellbeing** of all children in residential institutions, suffering from malnourishment, neglect and inadequate care.
- Develop, as a matter of priority, a **comprehensive deinstitutionalisation strategy** – covering children and adults with disabilities - with a clear timeframe, benchmarks, responsible institutions and adequate budget. Such strategy should take into consideration [the UN Guidelines for the Alternative Care of Children](#) and [the Common European Guidelines on the Transition from Institutional to Community-based Care](#).
- Accelerate the **development of a range of quality family-based and community-based care options and services** for children and adults with disabilities. Such services should provide support to the families of disabled children, aiming to prevent separation and institutionalisation, and individualised support to disabled children and adults (for example, personal assistance, rehabilitation, technical and information aids).
- Ensure **access of children and adults with disabilities to mainstream services**, including education, transport, health and housing, to facilitate their full inclusion and participation in society.
- **Raise awareness** of the relevant stakeholders, including social workers, medical doctors and other health professions, teachers, the media, as well as families, persons with disabilities and the community in general, about the rights of persons with disabilities, including those of children with disabilities. All the stakeholders must recognize that all persons with disabilities, regardless of the type of impairment, can live and participate in the community, on an equal basis with others.
- Ensure that **persons with disabilities and their families** are involved in the development and monitoring of policies and programmes affecting them.



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Thank you in advance for considering our recommendations. Our three organisations - ENIL, ORPD and MHP – stand at your disposal for any further information and are prepared to support the process of deinstitutionalisation in Belarus with our expertise. For further information, please contact Lilia Angelova-Mladenova, ENIL Project Officer, at lilia.angelova@enil.eu.

Yours sincerely,

Jamie Bolling
Executive Director
European Network on Independent Living

Karile Levickaite
Director
Mental Health Perspectives

Sergey Drozdovskiy
Director
Office for the Rights of
Persons with Disabilities

Copy to: Ms. Catalina Devandas Aguilar, UN Special Rapporteur on the Rights of Persons with Disabilities
Mr. Dainius Pūras, UN Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Health
Ms. Margaret Tuite, DG Justice, European Commission

The European Network on Independent Living - ENIL (Brussels, Belgium) is a Europe-wide network of disabled people with members in 47 countries across Europe. ENIL's mission is to advocate for Independent Living principles and practices, namely for a barrier-free environment, deinstitutionalisation and the development of community-based services, together making full citizenship of disabled people possible.

The Mental Health Perspectives - MHP (Vilnius, Lithuania) is working in the field of mental health and human rights. The mission of the organization is to contribute to the well-being of society and especially its most vulnerable groups, through consolidation of their fundamental right to accessible, evidence-based and person-centred services, whilst also prioritising mental health at the political level.

The Office for the Rights of Persons with Disabilities – ORPD's (Minsk, Belarus) mandate is centered around the rights-based approaches to all categories of disabled persons. ORPD's activity is aimed at changing society, making it free from barriers and prejudice. To rebuild it in such a way, that people with disabilities would become its equal members, able to take part in all the spheres of life. ORPD is protecting the rights of persons with disabilities and promotes understanding of disability as the problem of human rights observance. In its activities, ORPD is guided by the values and provisions of the UN Convention on the Rights of Persons with Disabilities.

ENIL and MHP are jointly implementing the EU-funded project “Empowering Belarus CSOs to advocate for social inclusion and promote participatory decision making for people with intellectual or psychosocial disabilities in 6 regions of Belarus” (ENI 2015/368-142).