

FROM PENURY TO PRISON: The Vicious Circle of Rights Violations Against the Roma of Belarus

**Alternative Report on the Implementation of the UN Convention
on the Elimination of All Forms of Racial Discrimination by the Republic of Belarus**



On the photo – a room in the house of Roma in the Gomel region

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The Alternative Report prepared by ADC Memorial with the participation of the International Centre for Civil Initiatives «Our House» on the Implementation of the UN Convention on the Elimination of All Forms of Racial Discrimination by the Republic of Belarus. For the 94th Session of the UN CERD. November, 2017.

This report is based on materials collected by ADC Memorial staff during a field mission to Belarus in the fall of 2017.

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*“They asked me ‘Are you a Roma?’ I said that I am.
Then they didn’t even want to speak to me anymore.
They just said that they had no vacancies.”*

Roma woman from Homel

*“What can you do when you can’t even earn \$100-\$150 a month?
You go steal whether you want to or not.
After all, you have to feed your children something.”*

Roma resident of Homel Oblast

OVERVIEW

Roma people in Belarus have not lived nomadic lives for several decades now and most of them have identity documents. However, a low level of education and pervasive poverty and unemployment against a backdrop of pronounced workplace discrimination have meant that the situation for the Roma population in the country remains difficult.

According to statistics obtained during monitoring conducted by Belarusian human rights defenders, only 17 percent of Roma residents in Belarus have a high school education or professional or vocational training.¹ The lack of education means that Roma people are unable to protect their rights, participate in social life, or earn a decent living. The majority of Roma people are without work: employers generally refuse to hire them because of their appearance and widespread anti-Roma stereotypes. In order to earn a living, they must agree to work the lowest-paying jobs or leave the country for work (mainly in the RF), which gives rise to a number of problems with the law: the “social parasite tax”² (failure to pay this tax may result in a fine and administrative arrest) and the threat of deprivation of parental rights due to low income, failure to pay utilities, and so forth.

Ethnic profiling by police officers, who frequently use nationality as a ground for suspicion of committing crimes or administrative violations, continues to be a major problem. But when the Roma themselves are the victims of a crime or the infringement of rights, the police usually refuse to protect them.

In its recommendations issued in 2013³, the UN Committee on the Elimination of Racial Discrimination called upon the Belarusian government to adopt comprehensive laws banning racial discrimination in its direct and indirect forms and drew particular attention to the situation of Roma communities. However, four years later, anti-discriminatory laws protecting the interests of members of vulnerable groups have yet to be adopted.

This report is based on materials collected by ADC Memorial staff during a field mission to Belarus in the fall of 2017.

¹ Report “The Situation of the Roma Population in Belarus. Analytical Materials 2015–2016.” http://romaintegration.by/wp-content/uploads/2017/02/Roma_BY_2015-2016.pdf

² The President’s Decree #3 “On Preventing Social Parasitism”, <http://president.gov.by/uploads/documents/3decree.pdf>

³ The UN CERD Concluding Observation on Belarus, 2013: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsjw6QT861uQaWWPVKfDkVLEK7byrzES3cN6fSmVvHeJi5%2FpBbZyuHppt1S5woWasVSaq41NrXnqKGAo4oKLeJbHi7Im7vsN3vkO%2BbWaH4WWFSGBQFfP4BoM4DBbqnrnHgg%3D%3D>

EMPLOYMENT DISCRIMINATION

In spite of the government's official adherence to the principle of non-discrimination, which is enshrined in both the RB Constitution⁴ and the RB Labor Code,⁵ employers in both the private and public sectors continue to deny Roma people employment. During field missions in Vitebsk and Homel oblasts in the fall of 2017, most Roma people interviewed complained of facing discrimination in their job searches. Employers rarely speak directly about nationality as a reason for denying employment, but it follows from the overall context of their statements and behaviors that they dislike Roma people or do not trust them, since they believe that Roma people are unreliable workers and fear that society will condemn them if they hire Roma people.

Several stories collected during the monitoring mission serve as an example of this attitude:

Zhanna Ya.: *"I have been listed with an employment agency for three years now. The only job that I have been offered over this entire time is work as a cleaning lady for 180 rubles. I decided to look for work on my own. To do this, you have to get an independent job search card. Since February, I have been rejected three times using this card, even though there was an advertisement for workers. The last place where I was rejected was the store Belvest. I called them in the evening and they invited me to come the next morning. But when the people in the HR department saw that I'm a Roma, their eyes bulged, they started whispering among themselves, and they said that they didn't need anyone, that the spot was already taken."*⁶

Leonid A.: *"People are being laid off everywhere in our district. Non-Roma have some chance of getting a job, but where can we Roma find work? Only in the field during the summer, only if you have your own horse. I've tried to find a job everywhere, but everywhere they are more likely to hire a non-Roma than a Roma. I most recently tried to find a job as an unskilled worker at an agricultural settlement, because some guys told me that they needed workers. But when I went there, the foreman rejected me. He told me that there were no openings."*⁷

Rusalina, M.: *"I was listed with an employment agency for a year, but they couldn't help me with anything. Now I'm looking for work on my own, through the want ads. I still haven't been able to find anything. Many places reject me because I'm a Roma. Last week, I went to find out about a job as a cleaner at the Parking Mall. On the phone, they told me to come to the office. But when you're speaking to them on the phone, they can't tell if you're non-Roma or Roma. So I went there. They asked me 'Are you a Roma?' I said that I am. Then they didn't even want to speak to me anymore. They just said that they had no vacancies."*⁸

Unfortunately, it is extremely difficult to prevent displays of this kind of discrimination or evaluate its quantitative indicators, since Roma people are afraid to file complaints or simply do not believe that someone will want to help them.

The inability to find work forces Roma people to seek out alternative sources of income. For example, many are forced to collect recyclables (metals, plastics, paper, glass), work seasonal jobs in the fields, or travel to Russia as migrant workers. A scant few own small businesses, but they do not have licenses, which could lead to high fines.

Zinaida A.: *"Two years ago, we were all able to trade at the market. Some people sold vegetables from their backyard gardens. Some people sold items. We were able to sell something, and that was enough for bread, for food products for the children. Now we're driven out and fined*

⁴ Article 22 of the RB Constitution, <http://pravo.by/pravovaya-informatsiya/normativnye-dokumenty/konstitutsiya-respubliki-belarus/>

⁵ Article 14, Ban on Discrimination in the Sphere of Labor Relations, <http://трудовой-кодекс.бел/statya-14>

⁶ Interview with Zhanna Ya. Vitebsk. Fall 2017.

⁷ Interview with Leonid A. Chernoruch'e Village, Vitebsk Oblast. Fall 2017.

⁸ Interview with Rusalina M. Homel. Fall 2017.

*anywhere from five to 50 basic wages (from 115 to 1,150 rubles) for selling without a license. And we still have to pay for the stand. I'm terrified of being caught, but how can I survive if I can't even get hired as a cleaner or a janitor?"*⁹

These kinds of jobs offer no security and cannot fully provide for the necessities of life; there is also the threat of problems with the law. One of the goals of Decree of the RB President No. 3 "On Preventing Social Parasitism,"¹⁰ which has been in effect since 2015, is to weed out able-bodied citizens who have evaded financing state expenses by introducing a so-called "tax on social parasitism." According to this decree, able-bodied citizens who have been officially unemployed for 183 calendar days and foreign citizens and stateless persons who have obtained permission to reside permanently in the Republic of Belarus must pay a fee to finance state expenses. Paragraph 5 of Decree No. 3 defines categories of citizens who are not employed under a labor agreement but who are performing work under civil law contracts, are engaged in entrepreneurial trade activities, or maintain their own garden plots.

Most Roma people, however, do not fall into any of these categories and, accordingly, belong to the group of people covered by the Decree. Considering their already miserable situation, the Decree essentially puts the majority of Belarus' Roma population under the threat of persecution by law enforcement agencies.

*Yanosh M.: "I'm a roofer and façade builder by profession, but I can't find any work now, especially because I'm Roma. I scrape by with odd jobs, illegally. I mainly take jobs in the private sector. Naturally, no one signs agreements with me. We just agree on the price and that's it. I don't make enough money from this work, of course. About three years ago, I used to make \$400 - \$600, but now I'm happy if I make \$120 a month. And what? How am I going to pay that tax? My wife is unemployed, but she is listed with an employment agency. She receives 4 basic wages, i.e. 92 rubles. Can a person really live on that? How are we going to feed our children and my elderly mother?"*¹¹

*Alexander D.: "There are no jobs, we are not hired. You can't even get a job as a porter. It's a little easier for people who have farm animals. I have a horse, and I use her to help me collect iron, paper, and film. During the harvest season, I make a little extra money working in people's fields. I plow 1,000 square meters for some people, 2,000 for others. People know me here, so we just agree on a price and I work."*¹²

Before the Decree was amended in early 2017, the size of the fee was 20 basic units,¹³ which is equivalent to 460 rubles (220 euros). This amount exceeds the size of most Roma's monthly earnings, which not only makes it difficult to pay, but also exposes them to the risk of checks by the tax inspectorate and the initiation of court proceedings, which could end with large fines or arrest.

Also, in order to find out how much officially unemployed citizens earn, law enforcement agencies, citing norms of tax law,¹⁴ require them to submit information on where they get the money to pay their taxes. There have been cases where Roma who paid their taxes on time and in good faith received summonses from the tax inspectorate, where they were asked to present information about their sources of income. Some were not able to confirm their incomes, since they had borrowed money, collected recyclable items, or worked as migrant workers without any labor agreements. These people were required to submit additional information, explanations, and documents confirming their incomes within 10 business days. Failure to present this information would result in the initiation of criminal cases for concealment of income or tax evasion.

⁹ Interview with Zinaida A. Vitebsk. Fall 2017.

¹⁰ Text of the decree: <http://president.gov.by/uploads/documents/3decree.pdf>

¹¹ Interview with Yanosh M. Vitebsk. Fall 2017.

¹² Interview with Alexander D. Bolshevik Settlement, Homel. Fall 2017.

¹³ Amount of a basic unit in Belarus: https://belarusbank.by/ru/press/spravochno/bazovaya_velichina

¹⁴ Paragraph 3 of Article 70 of the RB Tax Code gives tax inspectors the right to demand documents and additional information from taxpayers and obtain clarifications on the calculation and payment of taxes and fees (payments).

Lidia F.: *“Last winter, my son received a notification that he had to pay 450 rubles for that tax on social parasitism. He’s unemployed. He earns something where he can. Where is he going to get that amount from? Well, we collected it from relatives, and he paid it. Later, people came to him from the tax inspectorate and the police. They started asking him to explain how he got this money if he’s unemployed. He said he borrowed it. Then they wanted him to name the people he borrowed from. They promised to check them. Then Batka [Lukashenka – Trans.] froze this law for a year. They haven’t come back yet, but we don’t know what we’ll do if this law goes back into effect.”*¹⁵

For those Roma who cannot pay the tax through self-employment, the only way to legalize their earnings and avoid receiving notifications from tax authorities is by registering at a state employment center. Interviews in dense Roma settlements in Vitebsk and Homel oblasts show that due to the inability to find work legally and the fear of falling under the effect of the Decree, the majority of Roma must register with an employment agency to have the official status of unemployed, even though they know that they will not be able to find work through this agency. A person can be listed with an employment agency without interruption over the course of six months, after which they must file another application to be listed if they have still not been able to find work.

*“A private employer won’t sign an agreement with you, and if a state company hires you, they won’t pay you more than \$100 maximum. And you can’t live on this. So must Roma do this: they work where they can, but they are also registered with an employment agency. The agency won’t find you a job, and even if they do, you won’t be hired because you’re a Roma. But they do pay unemployment up to four basic units. First you have to submit a document about your earnings over the past year, and then they calculate what you get in benefits based on that. Naturally, you won’t survive on this, but you can stop worrying that the tax authorities will come, at least for a little while.”*¹⁶

In February 2017, a wave of protest actions against Decree No. 3 (on parasitism) swept through Belarus. Under pressure from public opinion, protests by citizens, and demands to revoke the decree (including from numerous human rights organizations like FIDH and the Viasna Human Rights Centre), the Decree’s effect was suspended until the end of 2017 in order to amend it and change how fees are paid. However, the Decree was not revoked, which means that able-bodied citizens will continue to be stimulated to work by coercion (according to provisions of the Decree) and not by higher salaries, benefits, or guarantees for workers,¹⁷ including members of vulnerable groups. All this goes to say that the government of Belarus has no actual plans to enforce the norms of either its domestic legislation, which ban forced labor¹⁸ and establish that work is the right, and not the obligation, of citizens, or of ILO Convention No. 105 “On the Abolition of Forced Labor”¹⁹ and No. 29 “Concerning Forced or Compulsory Labor,”²⁰ pursuant to which forced labor is defined as any work or service demanded from a person under threat of punishment for which the person did not offer his or her services voluntarily. There are currently many rumors about amendments that will be made to the new version of the Decree and their consequences, but, apparently, Roma and other vulnerable groups that frequently are not able to get even the lowest paying jobs, will remain in an extremely vulnerable and desperate situation, since they will not be able to meet the Decree’s demands due to discrimination by employers.

¹⁵ Interview with Lidia F. Vitebsk. Fall 2017.

¹⁶ Interview with Yanosh M. Vitebsk. Fall 2017.

¹⁷ For example, Article 41 of the RB Constitution guarantees that people who are unemployed due to circumstances beyond their control may receive training in new specializations and raise their qualifications with account for the needs of society, as well as unemployment benefits in accordance with the law.

¹⁸ Article 41 of the RB Constitution reads that “Forced labor shall be banned, with the exception of work or services appointed by a court verdict or in accordance with the law on states of emergency and martial law.

¹⁹ ILO Convention No. 105 “On the Abolition of Forced Labor”: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEX_PUB:12100:0::NO::P12100_ILO_CODE:C105

²⁰ ILO Convention No. 29 Concerning Forced or Compulsory Labor: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEX_PUB:12100:0::NO::P12100_ILO_CODE:C029

SOCIAL PROBLEMS ARISING AS A RESULT OF EMPLOYMENT DISCRIMINATION

Along with economic problems and the danger of being prosecuted for criminal liability for parasitism, employment discrimination against Roma people gives rise to an entire range of social problems. Roma interviewed during the monitoring noted that since their members are unable to find even low-paying jobs, they are frequently denied targeted social assistance and do not have enough funds to pay their utility bills on time, which means that their gas and electricity are turned off for failure to pay. Also, they do not have enough funds to provide for even the minimal needs of their adult family members, let alone their children, which, under Belarusian law, could serve as grounds for depriving Belarusian parents of their parental rights.

UNFOUNDED REMOVAL OF CHILDREN FROM ROMA FAMILIES

Presidential Decree No. 18 of 24 November 2006 “On Additional Measures for the State Protection of Children in Troubled Homes”²¹ has been in effect since 2007. According to this Decree, a family can be classified as troubled and the children in it at risk under certain circumstances. If the Decree’s initial goal was to prevent child abandonment, the measures that it proposes mean that prevention and social assistance to families have been replaced with strict state control over poor families. For example, the Decree introduces a procedure for quickly removing children from troubled families without a court decision and stipulates the prosecution of parents, who are later obligated to compensate for the state’s expenses related to keeping their children in an orphanage. This norm contradicts Article 32 of the Constitution of the Republic of Belarus, which reads that “children may only be separated from their families against the will of their parents and other persons in their place on the grounds of a court decision, if the parents or persons replacing them do not fulfill their obligations.”

As one teacher explained: “Decree No. 18 was adopted in 2007, but it only started being applied about two years ago. Schools started receiving stacks of papers from district social services departments about how we had to go around to students’ homes and check if they had smoke detectors, if there was enough food in the refrigerator, how many animals were in the house, and the overall living conditions of the child. If an apartment needs repairs, or if there are no dairy products or fruits in the refrigerator, or if a family hasn’t paid its utility bills for a long time, then we have to notify child welfare of this. Then a commission is formed to look at the child’s living conditions and determine if his or her rights are being violated. Then it makes a decision on what to do next. Some people are issued a warning and told to improve conditions within a certain timeframe. With other families, the children are removed right away. We haven’t had any cases involving Roma yet, but they are naturally at risk.”²²

According to the decree, children are mainly removed from their homes when their families are troubled. “Troubled” implies an immoral way of life, chronic alcoholism or drug use, and improper fulfillment of obligations to raise and support children. This creates the danger that decisions to remove a child from his or her home are mainly based on subjective notions about morals and morality. Considering their social and economic situations, many Roma families are clearly in the risk zone and, pursuant to this Decree, may be deprived of their parental rights and left without a means of subsistence.

²¹ The Decree #18 “On Additional Measures for the State Protection of Children in Troubled Homes” http://www.oijj.org/sites/default/files/documental_10046_ru.pdf

²² From an interview with a teacher at a school in Homel.

Tatyana A.: *“I don’t have a husband. I have five children. They can take care of themselves, but I’m afraid to leave the house for long. I can’t even go to work because people from the Ministry of Education and the Department of Child Services may come to see if I’m home, check what I have in the refrigerator, if there’s water. If they find the children here alone, I can be deprived of my maternal rights. In September, when they came the last time, they gave me a month to make repairs in the house or they would take me to court to deprive me of my parental rights. But how am I going to pay for these repairs? We live on benefits, and I’m still trying to figure out how to feed and clothe them.”*²³

Ivan V.: *“We are very poor. I’m the only one who works, because my wife takes care of the children. We have three of them. I’m unemployed right now, and we’re living on our children’s benefits. The last time I tried to find work was a week ago, when I applied for a job as a porter at a warehouse in Rechytsa, but I wasn’t hired. I don’t know why, probably because I look suspicious. Roma are rarely hired. That’s why we’re always driven out. Child Welfare Services is always bothering us because we are poor. They usually come with the police. They may come once a month or more. They threaten to take away our children because we don’t have money to support them and our house is falling apart. The children are terrified. For them the word “commission” is already something frightening. As soon as a car stops by the house, they start crying, they hide in the closet or under the bed. We asked for help with housing subsidies, but with no luck. We haven’t asked for anything from anyone else, because they will definitely take our children if we complain.”*²⁴

Decree No. 18 was adopted to prevent child abandonment, and its norms are ostensibly aimed at protecting a child’s safety, but a conclusion on a child’s situation is adopted regardless of the parents’ opinion, even if they are not directly involved in the family’s social and economic troubles. The very fact that parents are in a difficult situation may become a ground for removing a child from its family. After the child is removed, the family will remain in the same situation, even though state agencies in Belarus have the authority to provide poor families with targeted social assistance, social services, housing subsidies, etc. Instead, however, the family must resolve things on its own, which means that its material situation will only worsen. For Roma families where parents (and other adult family members) cannot find work because of the biased attitude of employers and their low level of education, the risk that children will be removed by social services is especially high. Thus, the problem of finding work, which gives rise to unemployment and poverty, also becomes a systematic problem for the entire family: if parents are unable to meet the requirements imposed on them by child welfare services, they face the threat of losing their children.

ETHNIC PROFILING BY THE POLICE

Preconceptions about the “traditionally criminal nature” of the Roma people are widespread in Belarus and typical of law enforcement officers. Xenophobia and racism on the part of police officers are manifested in the form of statements, aggression, and violence. The police continue to conduct arbitrary raids of dense Roma settlements using force without any grounds and in disregard of procedural norms. Although fingerprinting is not mandatory for all Belarusian citizens,²⁵ Roma residents have been forced to be fingerprinted — frequently without any official legal grounds — during raids, searches, and detentions. In many cases, Roma people are suspected of committing thefts or other crimes without any grounds, and police officers subject people to interrogations and persecutions solely on the basis of stereotypes.

²³ Interview with Tatyana A. Homel. Fall 2017.

²⁴ Interview with Ivan V. Homel. Fall 2017.

²⁵ RB Law of 4 November 2003 No. 236-Z “On State Registration of Fingerprints.” <http://mvd.gov.by/main.aspx?guid=28853>

R. M.: *“We have raids all the time in Bolshevik. They usually bring in all the Roma who happen to be home when they arrive. They even bring in the women. They drive everyone off to the police precinct, make a list of them, and fingerprint them. I was also taken in just like that and fingerprinted, even though they had no grounds to do this under the law.”*²⁶

Zinaida A.: *“They always go after the Roma when something happens in our settlement or a neighboring settlement. Whatever it is — a theft, a fight, or something else, they always go to the Roma or to people with a criminal record first. They were going to change the water pipes here over the summer, but someone stole them. The first people the police started to check were the Roma. They even came to me and turned my house and plot upside down, even though I’m 70 and disabled.”*²⁷

Ruslan M.: *“They think we’re dealing drugs in our settlement, but far from all Roma are involved in this. But still, whenever there’s a raid, they break down our doors, make us lie on the floor, and turn everything inside out. During one of these raids, OMON broke my windows, made me lie on the floor, and beat my legs with a baton.”*²⁸

Unfortunately, even the most serious violations of Roma rights committed by police officers go without investigation and are unknown to anyone other than the victims and their relatives. Since they face xenophobia and discrimination on a daily basis, Roma people are reluctant to report any incidents because they fear that they will face new accusations instead of receive protection from rights violations. They also have little knowledge of their rights to begin with and sense their vulnerability before hostile law enforcement agencies and the entire government system overall.

POVERTY AND VULNERABILITY – CAUSES OF THE CRIMINALIZATION OF BELARUS’ ROMA POPULATION

Extreme poverty is one of the components of the vicious cycle Roma people are caught in as a result of structural discrimination. A low level of education, the absence of vital social support measures, and the inability to find even low-paying jobs push some people to commit crimes.

Interviews conducted in dense Roma settlements in Vitebsk and Homel oblasts have shown that in most families at least one person, and frequently several, have been criminally prosecuted in the past or are confined in detention facilities (prisons, colonies, and so forth). In most cases, these people have had little education and little or no income prior to their arrests.

According to a resident of Vitebsk, *“many, many Roma are in jail: some for drugs, some for theft. And they live like this their whole lives because there’s nothing else to do. Half of our settlement has spent time in prison. Some were given 10 years, some 15. So people sold drugs here. You can see that the houses are modest; they’re not palaces. People stoop to this not because they don’t want to work, but because there’s no other way to survive. Imagine: people work at a factory for 10 years, they’re laid off, and the factory is closed. They go to an employment agency. They’re given an assignment, but then they’re told that no one is needed. I’ve been looking for work like this for a year and a half. At first, I was listed there, but then I left because it was useless.”*²⁹

²⁶ Interview with R. M. Homel. Fall 2017.

²⁷ Interview with Zinaida. Vitebsk. Fall 2017.

²⁸ Interview with Ruslan M. Vitebsk. Fall 2017.

²⁹ Interview with Viktor S. Vitebsk. Fall 2017.

Sometimes Roma are given harsh sentences for crimes that are not very serious.

“My son was imprisoned for stealing a wallet when he was 18. We’re destitute, we live on my pension alone, and he wanted us to have at least something in our house. So he decided to steal. He was given two years. At first, they wanted to give the maximum three years. We were lucky, because they usually come down very hard on Roma, so hard that the family doesn’t know where to get the money from to help. Like everyone else here, he was unemployed. There was nothing to eat. Now his wife and two children have no idea what to do.”³⁰

Roma are sometimes prosecuted multiple times for the same violations, which are the result of extreme poverty and the inability to solve financial problems on their own. For example, one of the people interviewed — a well-educated, divorced, unemployed father of a minor daughter — was sentenced to deprivation of freedom three times for failure to pay child support, even though he did not have enough money to pay because of his problems finding work. In this case, repeated punishment for “malicious evasion of child support payments” (in Belarus, failure to pay child support is punishable by years of imprisonment) resulted in this person’s total inability to find work both because of his nationality and because of his three convictions.

According to relatives of convicted persons, Roma people in prisons and colonies are frequently subjected to groundless violence by their jailers. For example, there is evidence of the practice of beating Roma people at Pretrial Detention Center No. 2 in Vitebsk. Reports that Roma prisoners were treated harshly at one of the correctional colonies in Mogilev have been documented: *“Roma at the Mogilev Detention Center are regularly beaten, degraded, and prevented from meeting with relatives. People try to escape from there, they cut their wrists after only a few days.”³¹*

Belarus is the last European country to carry out executions, and people are executed in accordance with a court decision. Over the last decade, two Roma people have been sentenced to death and executed in the country.³² Staff members at the Viasna Human Rights Centre, which has been running the Human Rights Defenders Against the Death Penalty in Belarus campaign since 2009, have noted that both cases demonstrated the overall level of xenophobia in the Belarusian justice system and the fact that Roma defendants are generally presumed guilty.³³ One Roma man sentenced to death in 2009 maintained his innocence both during the investigation and in court. However, as an illiterate person, he could not properly represent himself during these legal actions. According to the UN Human Rights Council, where this convicted person filed an individual complaint, the court did not provide an objective or impartial assessment of his guilt.³⁴ The second case, which ended with the death sentence in 2013³⁵ was widely reported on in the Belarusian media using the language of hate speech and had the effect of setting public opinion against both the specific individual and the entire Roma minority.

³⁰ Interview with Zinaida A. Vitebsk. Fall 2017.

³¹ Interview with Ruslan M. Vitebsk. Fall 2017.

³² During the period of 2004-2017 гг., at least 25 people were executed in Belarus; the data on the death sentences and executions in 1990 – October 2016 were published in the report of the Human Rights Center Viasna and FIDH “Death Penalty in Belarus: Murder on (Un)lawful Grounds” (2016_, page 10: <https://www.fidh.org/IMG/pdf/belarus683angbassdef.pdf>; the data for 2016-2017 see in the press-release of the HRC Viasna and FIDH «Death Penalty in Belarus: Secret Executions Continue in the Middle of Europe» <https://www.fidh.org/en/region/europe-central-asia/belarus/death-penalty-in-belarus-secret-executions-continue-in-the-middle-of>

³³ Presentation in the framework of the Human Rights Defenders Against the Death Penalty in Belarus campaign of the Viasna Human Rights Center, <http://spring96.org/en/news/85088> (in English).

³⁴ For more on this case, see the report of the HRC Viasna and FIDH, page 57, and the HRC Viasna’s website: <http://spring96.org/en/news/85088>

³⁵ For more on this case, see the HRC Viasna’s website: <http://spring96.org/en/news/65230>

CONCLUSIONS AND RECOMMENDATIONS

The Roma of Belarus face discrimination, particularly in the sphere of employment. This discrimination results in exclusion, extreme poverty, and the criminalization of a part of the Roma population in the Republic of Belarus.

The specific nature of the problem in Belarus is that the state not only fails to take measures to improve the situation of the Roma population, but also subjects Roma people to repressions for the very fact of their miserable situation. This is expressed in the criminal prosecutions of Roma living below the property line, of Roma who cannot pay the “tax on parasitism,” and of Roma who cannot prove that their incomes are legal. It is also expressed in intimidation and threats to remove children from poor Roma families.

The lack of state job placement programs and the impossibility of finding a legal means of earning a living have pushed some members of the Roma community into crime, which, given the prosecutorial bias of the Belarusian justice system overall and the animosity the law enforcement system has for Roma in particular, results in a disproportionately high number of Roma people both in the prison population of Belarus and among victims of the death penalty, which is still used in the country.

RECOMMENDATIONS TO THE GOVERNMENT OF THE REPUBLIC OF BELARUS FOR IMPROVING THE SITUATION OF THE ROMA MINORITY INCLUDE:

- Collect complete data about the number of Roma people in Belarus and their levels of education, job security, and income.
- Adopt and implement a program to ensure the rights of all Roma people to a mandatory complete education and employment in their specializations.
- Take measures to provide social support for people whose incomes are below the minimum.
- Take effective measures to prevent crime and drug and alcohol dependency: ensure that the younger generation of Roma can receive additional education, develop recreation centers, participate in volunteer programs.
- Implement a probation program for first-time offenders.
- Put an end to ethnic profiling and discrimination against members of the Roma minority by police officers in the course of detentions, arrests, and other police activities.
- Ensure that courts treat Roma in a non-discriminatory manner, provide all defendants with an effective defense in court.
- Conduct a serious review of all statements on discrimination, including regarding violations of the rights of prisoners in jails and correctional colonies.

RECOMMENDATIONS ON GENERAL MATTERS OF LAW:

- Revoke orders violating international law and the RB Constitution: Decree No. 3 “On Preventing Social Parasitism,” which obligates all unemployed to pay a tax; Decree No. 18 “On Additional Measures for the State Protection of Children in Troubled Homes,” which makes it possible to deprive people of their parental rights due to poverty, illness, and other circumstances.
- Adopt a comprehensive anti-discriminatory law that defines various types of discrimination, including ethnic discrimination, in accordance with international standards.
- Abolish the death penalty, or, at a minimum, immediately introduce a moratorium.
- Implement all the decisions of the UN Human Rights Council regarding the rights of citizens of the Republic of Belarus.

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