

Educational Rights in The Republic of Belarus

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1. The Belarussian educational system

The Republic of Belarus is one of the former Soviet Union republics, which got independence in early nineties of the twentieth century. The independence of Belarus was proclaimed on July 27, 1990. It is interesting to note that Belarus, Ukraine, and Russian Federation became the founders of the Soviet Union in winter of 1920 and were the signatories of the agreement, which had led to the collapse of this super-state in 1990.

Situated in the very centre of Europe being proud of the long shared history with Russia, Poland and Lithuania and having common borders with 3 new European Union States (Latvia, Lithuania, and Poland), Belarus has not yet become a member of the Council of Europe and therefore does not belong to the countries which are signatories of the ECHR.

However the Republic of Belarus was among the founders of the Organization of United Nations and has been its permanent member since June 26, 1945. From this point of view Belarus, like the countries which are the members of the Council of Europe and signatories of the ECHR, considers that the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations on 10th December 1948 ‘*aims at securing the universal and effective recognition and observance of the Rights therein declared*’ and took all the measures for enforcement of the rights stated in the Universal Declaration by means of signing, ratification, and implementation of the major international covenants, conventions, and other agreements in the field of human rights:

- the International Covenant on Economic, Social and Cultural Rights (UN, 1966; ratified by Belarus in 1973);
- the International Covenant on Civil and Political Rights (UN, 1966; ratified by Belarus in 1973);
- the Optional Protocol to the International Covenant on Civil and Political Rights (UN, 1966; adopted by Belarus in 1992);
- the International Convention on the Elimination of All Forms of Racial Discrimination (UN, 1965; ratified by Belarus in 1969);
- the Convention on the Elimination of all Forms of Discrimination against Women (UN, 1979; ratified by Belarus in 1981);
- the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women (UN, 2002; ratified by Belarus in 2003);
- the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UN, 1984; ratified by Belarus in 1987);
- the Convention on the Rights of the Child (UN, 1989; ratified by Belarus in 1990);
- the Convention on the Prevention and Punishment of Crime of Genocide (UN, 1948; ratified by Belarus in 1954);
- the Convention against Discrimination in Education (UNESCO, 1960; ratified by Belarus in 1962);
- other universal level, regional level (including CIS region), bi- and multi-lateral agreements.

All those treaties became a significant part of the national legislation of the newly independent state and has

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been influencing greatly the creation of domestic laws and other legislative documents.

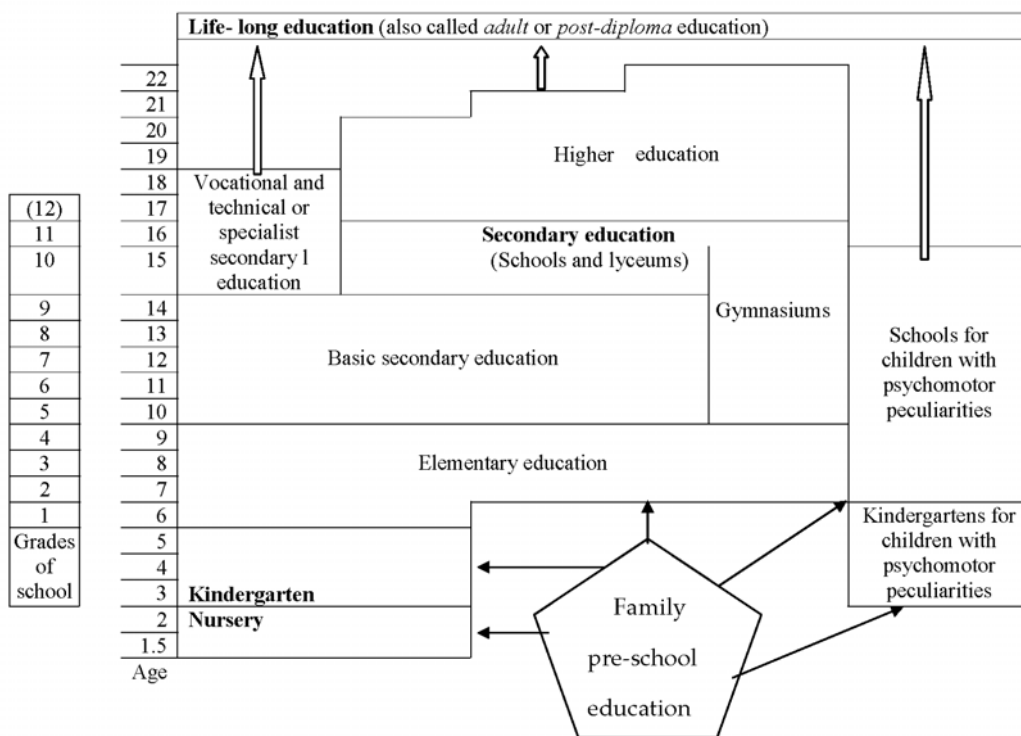
The pan-European dimension is comparatively weakly presented in Belarusian legislation from the point of view of ratification by Belarus of the major European treaties. Only the European Cultural Convention was signed by Belarus on October 10, 1992. Nevertheless, being an OSCE participating state, Belarus has got free access to all the European treaties concerning human rights and undoubtedly relies on them in construction of its own legislation.

The Constitution of the Republic of Belarus declares in its Article 8 that the State 'shall recognize the supremacy of the universally acknowledged principles of international law and ensure that its laws comply with such principles'.

2. Reforming the National System of Education

As an independent state, Republic of Belarus was to develop its own system of education. It is based on national Belarusian traditions, the best achievements from the Soviet Union times and on relevant experiences from over the world. The existing structure of the system of education reflecting the continuity of its levels is shown in Diagram 1.

Diagram 1. The System of Education in the Republic of Belarus



Executive power in the system of education belongs to the Ministry of Education of the Republic of Belarus, which provides methodological guidance for all levels of education and coordinates the activities of the establishments of higher and secondary professional education, other subordinated establishments and organizations. It also coordinates the activity of executive committees of local authorities, which are in charge of pre-school and out-of-school institutions, as well as primary, basic, and high secondary schools, technical schools and a part of vocational and secondary professional schools and colleges.

At the first stage of the educational reform in conditions of the independent state the discontent with the situation in the field of education and a strong aspiration to follow foreign educational models were observed. The Conception on the Development of Education in Belarus and the appropriate State Complex Programme were approved by the Government in 1993. Realization of these programme documents however was hampered by

a deterioration of economic situation in the country at the beginning of the nineties. The stabilizing measures were to be taken to preserve the high quality level of education. While correcting the strategy of the social-economic development of the country and gaining experience of the reformation under new conditions, the necessity arose for the precision of the basic parameters of educational reformation. The first measure taken to reach this aim was a creation of the Concept of General Education Reforming adopted by the Government in 1996. The next measure was the adopting in 1998 of the Concept of the Higher Education development in the Republic of Belarus (a new programme document named Main Directions of the Development of the National System of Higher Education for 2006 – 2010 years is now under consideration).

The determination of the development strategies for two principal sections of the system of education permitted to formulate the methodological basis for other levels reforming and to start the working up of the document defining the aims and the tasks of the national system of education, namely Main Directions of the National System of Education Development (approved by the resolution of the Council of Ministers of the Republic of Belarus on the 12th of April 1999 No. 500). This document was based on the Constitution of the Republic of Belarus and the legislature already developed. The Directions and the plan for their realization adopted by the Resolution of the Minister of Education (30.II.1999 No. 720) determined the basic principles and tasks of the changes necessary for every level of education, the stages and the main measures of the national system of education reforming.

A whole series of legislative and other normative documents aimed at the development of education, a vast majority of which have been worked out already, were designed to promote this process. Besides the Law on Education in the Republic of Belarus (N 1202-XII from 29.10.1991, last amendments and supplements to it have been made by the appropriate Law N 311-1 from 04.08.2004) two more laws have been recently introduced, namely the Law on Vocational and Technical Education (N 216-1 from 29.06.2003) and the Law on Education of the Persons with Peculiarities of Psycho-motor Development (on Special Education) (N 285-1 from 18.05.2004). The final draft of the Law on Higher Education is undergoing the adoption process in Belarusian Parliament.

The system of education has a priority in the state policy of the Republic of Belarus due to its contribution to the process of a legal democratic state formation. In 2003 the system of education got 7% of the Gross Domestic Product. An important distinctive feature of the present day system of education in the Republic of Belarus is the existence of a certain number of private educational establishments and those of mixed form of property (13 establishments of Higher education, 7 secondary professional schools, 15 secondary schools and gymnasiums, 22 establishments of preschool education in the 2003-2004 school year).

3. The legislative framework comparative description

The problem of rights for education and in education are considered in Belarus as the most important universally recognized values which need proper legal provision and conditions for their implementation at all the levels of education. Being a party state of the international treaties Belarus has got obligations to respect, to ensure, to promote, and to protect the fundamental rights and freedoms. These obligations have been implemented within the framework of Belarusian law including the normative acts, which are used in education legal provision:

- Constitution of the Republic of Belarus (CRB);
- the Law on Education in the Republic of Belarus (LERB);
- the Law on Vocational and Technical Education (LVTERB);
- the Law on Education of the Persons with Peculiarities of Psychomotor Development (on Special Education) (LSERB);
- the Law on the Rights of Children (LRCRB);
- the Law on National Minorities in the Republic of Belarus (LNMRB);
- the Law on Languages in the Republic of Belarus (LLRB);
- the Law on the Culture in the Republic of Belarus (LCRB);
- the Law on Freedom of Conscience and Religious Organizations (LFCRORB);
- the Code on Marriage and Family (CMFRB).

In order to judge whether Belarusian legislation complies with ECHR the comparison of the key articles (namely Art. 3, 8, 9, 10 and 14) of ECHR as well as of Article 2 of the First Protocol to normative acts enumerated above was conducted (see the data below). The Criminal and Civil Codes of the Republic of Belarus deal with more

specific issues and for this purpose are not considered here.

Article 3 ECHR – Prohibition of torture or to inhuman or degrading treatment or punishment

CRB:

Article 25

The State shall ensure freedom, inviolability and dignity of the person. Restrictions or deprivation of personal freedom shall be possible in cases and manner established by law.

Convicted individual shall have the right for court examination of the legality of his detention or arrest.

No one shall be subjected to torture, cruel, inhuman or degrading treatment or punishment as well as be exposed to medical treatment or any other tests without his consent.

LRCRB:

Article 9 Right to the inviolability of the person, protection from exploitation and violence

Every child has the right to protection of their person from any kind of exploitation and violence.

The State shall guarantee the inviolability of the person of the child, protect children from all kinds of exploitation, including of a sexual nature, from physical and/or psychological abuse, cruel, harsh or degrading treatment, sexual abuse, including by parents, other persons legally responsible for the child and relatives, from involvement in criminal activity, administration of alcoholic drinks, non-medicinal use of drugs, toxic, psychotropic and other powerful stupefying substances, forced prostitution, begging, gambling or acts linked to the production of pornographic material or items.

Persons who become aware of cruelty or physical and/or psychological abuse inflicted on a child endangering the child's health and development shall immediately report the fact to the competent state authority.

CMFRB:

Article 18g Right to Protection

Every child has the right to protection of their person, honour and dignity from any kind of exploitation and violence: economic, sexual, political, spiritual, moral, physical, psychological.

The child has the right to apply for the protection of their rights and interests to guardianship or trusteeship bodies and the prosecutor's office and, from the age of fourteen years, to apply to the court and to exercise protection of their rights and interests through legal representatives.

Article 8 ECHR – Right to respect for private and family life

CRB:

Article 28

Everyone has the right to protection from illegal intervention to his private life including protection from encroachment on the secrecy of his correspondence, telephone and other communication, his honour and dignity.

Article 29

Inviolability of home and other legal property of the citizens shall be guaranteed. Nobody has the right to enter anyone's home or any other legal property against the will of the owner, unless there are legal grounds for that.

Article 32

Marriage, family, motherhood, fatherhood and childhood are under protection of the State.

Men and women on reaching marriageable age have the right on voluntary basis to marry and to found a family. Married parties shall be equal in family relations.

Parents or other persons replacing them have the right and are obliged to bring up the children, take care of their health, development and education. A child must not be exposed to cruel or humiliating treatment, forced to perform work that can cause harm to his physical, mental or moral development. Children are obliged to take care of their parents or other replacing them persons and render them help.

Children can be separated from their family against their parents' will or that of persons replacing them only on the basis of the court decision in cases when parents or persons replacing them do not carry out their duties.

Women shall be ensured possibilities equal to men in receiving education and professional training, in labour and career development, in social and political, cultural and other fields of activities, as well as laying the conditions for protection of their labour and health.

Youth shall be guaranteed the right for spiritual, moral and physical development.

The State shall create necessary conditions for free and effective participation of youth in political, social, economical and cultural development.

Article 9 ECHR – Freedom of thought, conscience and religion

CRB:

Article 16

Religions and denominations are equal before the law.

Inter-relations between the State and religious organizations are regulated by law considering their influence on the development of spiritual, cultural and national traditions of Belarusian people.

Activities of religious organizations, their establishments and representatives which are directed against the sovereignty of the Republic of Belarus, its constitutional structure and civil consent, conjugated with the violation of the citizens' rights and freedoms or preventing the citizens from fulfillment of their national, social and family obligations or causing damage to their health and morals are prohibited.

Article 31

Everyone has the right to determine on his own attitude to religion, to profess alone or in community with others any or no religion, to express and extend his convictions connected with his attitude towards religion, to participate in religious rituals and ceremonies not prohibited by law.

LERB:

Article 1 Legislation of the Republic of Belarus on education

The legislation of the Republic of Belarus on education shall consist of the present Law and the other legislative acts of the Republic of Belarus adopted in connection with the present Law.

The law regulates the basic machinery for implementing education in the Republic of Belarus and also the activity of state and non-state education establishments.

Article 2 Tasks of the legislation of the Republic of Belarus on education

The legislation of the Republic of Belarus on education shall set forth the principles of state policy, inter-relations, rights and obligations of state bodies, establishments, organisations, enterprises, public associations and citizens in the sphere of education.

LRCRB:

Article 10 Right of free choice as regards religion

Every child has the right to make an independent choice as regards religion and to profess or not profess any religious faith. The State may not intervene in the upbringing of a child based on specific religious views of the parents or other persons legally responsible for the child or the ensuing participation of the child in religious ceremonies outside education establishments and observance of traditions, except in cases where incitement to religious acts presents an immediate danger to the life and health of the child and infringes the child's legal rights.

Where children under fifteen years of age are concerned, religious ceremonies are to be performed with the agreement of the parents or other persons legally responsible for the child.

LFCRORB:

Article 1 The aims of the present Law

The aims of the present Law are to ensure and to guarantee the right of everyone for freedom of conscience and religion, for social justice, equality, protection of rights and interests regardless of attitude to religion and religious beliefs, for freedom of uniting in religious communities.

Article 4 The right for freedom of conscience

Everyone has the right for freedom of choice of atheistic or religious beliefs, namely to determine on one's own the attitude to religion, to profess alone or in community with others any or no religion.

Article 5 The right for freedom of religion

Everyone has the right to choose freely, to practice, to change, to manifest and to spread religious beliefs and to act in accordance with them, to participate in performing religious cults, rituals, rites that are not prohibited by the law.

No one is obliged to inform about one's attitude to religion and could not be subjected to compulsion in determining one's attitude to religion, to profess one or another religion, to participate or not in the activity of religious organizations.

Parents or people substituting them by mutual consent have the right to bring up their children in accordance with their own attitude to religion. The State may not interfere with the education of a child that bases on a certain religious philosophy of parents or people substituting them apart from the cases when the inducement to religious actions threatens the life or health of a child, violates his legal rights.

Article 25 Divine services, religious rites, rituals and ceremonies

Divine services, religious rites, rituals and ceremonies take place without obstruction in cult buildings, erections and on the territories attributed to them, in other places that are put to the disposal of religious organizations for those purposes, in places of pilgrimage, at cemeteries and in crematoriums.

Religious rites, rituals and ceremonies could be held, in case of need, in the places of living of citizens upon their request, provided that they are not of mass and systematic character and do not violate the norms of common living and public order.

Religious rites, rituals and ceremonies in the organizations of public health, in places of imprisonment before trial and serving one's sentence are held upon the request of citizens staying there, in apartments provided by the administration for that

purposes. People, staying in those institutions, have the right to possess, to get, to buy and to use religious literature and articles of cult provided that it brings no damage to their health, and that it does not violate the rights and legal interests of other people.

The order of performing divine services, religious rites, rituals and ceremonies by military personnel is regulated by the law on military service.

Divine services, religious rites, rituals and ceremonies as well as other mass activities which main aim is the meeting of religious needs in the places that are not specially designed for that purpose, in the open air or in the building, could take place only after the appropriate decision of the head of the local executive and administrative body or by the deputy-head in the order prescribed by the legislation of the Republic of Belarus.

CMFRB:

Article 188 Guarantees of Freedom of the Child Personality

The State shall guarantee to every child freedom of word, thought, conscience, creative work, the right to independent choice of views, beliefs, to creation of and participation in community organizations of children, in peaceful meetings, demonstrations, processions, as well as the right for self-dependent choice of the life path.

Article 10 ECHR - Freedom of expression

CRB:

Article 33

Everyone shall be guaranteed the freedom of opinions, convictions and their free expression.

Nobody can be forced to express or deny his convictions.

Monopolization of the mass media means by the State, public associations or individual citizens as well as censorship are prohibited.

LRCRB:

Article 11 Right to receive, possess and disseminate information, freedom of expression

Every child has the right to receive, possess and disseminate information, to freedom of thought and beliefs and to freedom of expression.

Every child capable of formulating their own views has the right to freely express them in all matters concerning them, and due weight shall be accorded to the views of the child in relation to the child's age. In particular, children shall be given the opportunity to be heard, directly or through representatives or the appropriate body, in any judicial or administrative proceedings affecting them, following the procedure laid down in the legislation of the Republic of Belarus.

Restriction of the rights and freedoms of children shall be permissible only in the cases provided for in law or in the interests of national security, public order, moral decency, public health or the rights and freedoms of other individuals.

Article 14 ECHR – Prohibition of discrimination

CRB:

Article 2

An individual, his rights, freedoms and guarantees for their realization are of the superior value and are the aim for the society and the State. The State shall be responsible for providing individuals with conditions that contribute to their easy and adequate development. Citizens shall be responsible for the strict fulfillment of the obligations entrusted to them by the Constitution.

Article 11

Foreign citizens and persons without citizenship on the territory of Belarus have the same rights and freedoms and fulfill the obligations equal with the citizens of the Republic of Belarus, if otherwise is not defined in the Constitution, laws and international agreements.

Article 14

The State shall regulate relations between social, national and other communities on the basis of the principle of equality before the law, respect for their rights and interests. Relations in socio-working spheres between the bodies of public administration, associations of employers and trade unions shall be exercised on the principles of social partnership and cooperation of the parties.

Article 15

The State shall be responsible for preservation of historical and cultural sacred heritage, free development of cultures of all the national communities residing on the territory of the Republic of Belarus.

Article 22

All are equal before the law and have the right without any discrimination for equal protection of their rights and legal interests.

Article 23

Restriction of person's rights and freedoms shall be assumed only in the cases specified by law, in the interests of national security, public order, protection of morals, health of the population, the rights and freedoms of others.

Nobody may use benefits and privileges contradictory to the law.

Article 50

Everyone has the right to preserve his ethnic background, just as nobody may be forced to define and indicate his ethnic background. Insult of ethnic dignity shall be punished in accordance with the law. Everyone has the right to use his native tongue, choose the language of intercourse. The State shall guarantee in accordance with the law the freedom of choice of education and the language of instruction.

LRCRB:

Article 6 Equal rights of children

All children have equal rights, regardless of origin, race, nationality or citizenship, social situation or property owned, sex, language, education, religious affiliation, place of residence, state of health or any other circumstances affecting the child and the parents. Equal and comprehensive state protection shall be afforded to children born within and outside wedlock.

LNMRB:

Article 2

Republic of Belarus citizen's membership of a national minority shall be a matter of personal free choice which, if exercised, may not entail any disadvantageous consequences whatsoever.

Article 4

There shall be no direct or indirect restriction whatsoever of the rights and freedoms of citizens of the Republic of Belarus on grounds of their membership of a national minority, nor any attempt to assimilate them against their will.

Article 13

Citizens of the Republic of Belarus of all ethnic backgrounds shall enjoy the protection of the State on an equal footing. Any acts intended to discriminate against a person in terms of national characteristics, create hindrances to national minorities' exercise of their rights or incite inter-ethnic hatred shall be punishable as prescribed by law of the Republic of Belarus.

LLRB:

Article 6 Protection of languages

Any privileges or restrictions of the rights of an individual in respect of their linguistic characteristics shall not be permitted. Any public insult or defamation to the state or other ethnic languages, hindrance to or restriction of their use or incitement to hatred on linguistic grounds shall be liable to proceedings as established by law.

LFCRORB:

Article 7 The equality of citizens

Citizens are equal before the law regardless of their attitude to religion.

The attitude of a person to religion is not stated in official documents, except for the cases when the citizen requires it. Impediment of realization of right to freedom of conscience and religion as well as establishment of any privileges or limitations of rights of citizens depending on their attitude to religion is prohibited and pursued by the law.

Nobody can avoid performing obligations prescribed by the law basing on religious beliefs.

The First Protocol ECHR Article 2 – Right to education

CRB:

Article 49

Everyone has the right to education. Accessibility for free-of-charge general secondary and vocational and technical education shall be guaranteed.

Specialist secondary and higher education shall be accessible for all in accordance with abilities of everyone.

Everyone may receive free-of-charge appropriate education in state education establishments on competitive basis.

LERB:

Article 3 Right to education

Every citizen of the Republic of Belarus has the right to receive education. Restrictions of rights to receive education may be established only by the law.

The citizens of the Republic of Belarus shall be guaranteed the right to receive free-of-charge general secondary education, vocational and technical education and competitive-entry specialist secondary and higher education in state education establishments.

Foreign citizens and stateless persons continuously resident in the Republic of Belarus shall have equal entitlement to education to that enjoyed by the citizens of the Republic of Belarus unless otherwise specified by the laws and international treaties

of the Republic of Belarus.

The right to study and procedure governing studies of other foreign citizens shall be established by the legislative acts of the Republic of Belarus.

The right of citizens to study shall be guaranteed by:

- the development of a network of education establishments of the education system;
- the creation of socio-economic conditions for free-of-charge education in state education establishments;
- partial or full financing from republic and/or local budgets of the upkeep of citizens requiring welfare assistance during their time of study. The categories of citizens qualifying for assistance and the scale and forms thereof shall be established by the Government of the Republic of Belarus;
- prohibition of any restriction of the number of places in state education establishments allocated to free-of-charge education in order to increase the number of students in paid education;
- the creation of conditions in which education gives due consideration to national traditions and also the individual requirements, abilities and needs of students/pupils;
- the existence of various forms of study and types of education establishment;
- the creation of the necessary conditions for the education and social adjustment of persons with psychomotor development peculiarities;
- the possibility of receiving education on a fee-paying basis;
- the creation of a credit system for citizens receiving education on a fee-paying basis.

Article 10 General requirements governing the procedure for admitting and allocating students within education establishments

In the Republic of Belarus everyone has the right to apply for education to any education establishment, which is under obligation to examine all applications in accordance with the established admissions procedure.

The admission of citizens to state establishments providing specialist secondary, higher and post-graduate education shall be through a competitive examination guaranteeing respect of citizens' right to receive education and ensuring the enrolment in education establishments of those individuals who are the most able and best prepared to master the study programmes. The admission requirements for state education establishments shall be established by the Ministry of Education of the Republic of Belarus.

For admission to establishments providing specialist secondary and higher education, entrance examination programmes shall be devised on the basis of the education standards governing general secondary education.

The rules for admission to establishments providing vocational and technical training and specialist secondary, higher and post-graduate education shall be established by the Ministry of Education of the Republic of Belarus and published in the official publications of the Republic of Belarus no later than three months prior to the opening date for submitting enrolment documents.

On the basis of the rules for admission to higher education establishments established by the Ministry of Education of the Republic of Belarus, those establishments shall draw up admission rules which, for state establishments, shall be approved by the founder and ratified by the Ministry of Education of the Republic of Belarus and, for private establishments, shall be ratified by the establishments themselves.

Privileges for individual categories of citizens in respect of admission to an education establishment may be granted in accordance with the legislative acts of the Republic of Belarus.

Article 22 Aims and structure of general secondary education (excerpts)

(...) General basic education (study period – ten years) includes the general primary (elementary) education stage and is compulsory. Receiving a general basic education is a condition of completion of general secondary education in establishments providing general secondary, vocational and technical education and specialist secondary education...

The duration of general secondary education is twelve years, and in individual types of general education establishment (evening/alternating education; education for persons with psychomotor development difficulties; aggregate study systems, etc.) it may be thirteen years or more.

Article 51 Rights and obligations of the legal representatives of children

The legal representatives of children have the right to:

- choose an education establishment and form of education for their child;
- participate in the work of the bodies of self-administration of the education establishment attended by their child;
- provide general primary, general basic and general secondary education to their child at home, where this fulfils the necessary conditions and by agreement of the education departments and sections of the local executive and administrative authorities, while retaining the possibility of the child's education being continued, at any stage, in an education establishment in accordance with assessment results;
- represent the interests of the child within education establishments;
- receive information on all types of examination (medical, psychological, pedagogical, etc.) undergone by the child in education establishments;
- request that the child be excused from the study and learning of subjects (non-compulsory subjects, optional courses, circles, sections, etc.) or individual topics whose study would adversely affect the physical or moral well-being of the child.

The legal representatives of children shall be under obligation to:

- ensure that the child receives general basic education;
- create the necessary conditions for the full development of the child;

- respect the dignity of the child.

The legal representatives of children shall bear responsibility for the upbringing of the child in accordance with the legislation of the Republic of Belarus.

LVTERRB:

Article 3 State policy in the field of vocational and technical training (excerpts)

1. State policy in the field of vocational and technical training aims to:
 - 1.3 widening the opportunities of receiving vocational and technical education by the citizens in accordance with their individual demands, public and state interests;
3. The State shall guarantee to the citizens with the restriction in acquiring profession because of state of health the receiving of vocational and technical education considering contra-indications on the indices of professional appropriateness prescribed by the Ministry of Public Health of the Republic of Belarus.

Article 4 Ensuring the rights of citizens for vocational and technical education

1. The State shall guarantee accessible and free-of-charge vocational and technical education in the state establishments which provide achievement of vocational and technical education considering the social needs.
2. The right of citizens for receiving vocational and technical education shall be ensured by the creation of:
 - 2.1 necessary number of student's places in state establishments providing vocational and technical education as well as in organizations providing industrial training;
 - 2.2 conditions for receiving vocational and technical education in establishments providing specialist secondary education;
 - 2.3 special teaching and upbringing establishments;
 - 2.4 special departments (groups), centres of professional and social rehabilitation;
 - 2.5 specialized establishments (detached subdivisions) of industrial training;
 - 2.6 conditions for receiving vocational and technical education in variety of forms;
 - 2.7 private establishments that provide vocational and technical education;
 - 2.8 system of crediting of citizens that receive vocational and technical education on paid basis.

Article 11 Establishments providing vocational and technical education (excerpt)

1. Establishments providing vocational and technical education may be state and private. Establishments providing vocational and technical education include professional and technical schools, professional lyceums as well as vocational and technical colleges. Regulations of the establishments providing vocational and technical education are approved by the Ministry of Education of the Republic of Belarus.

LSERB:

Article 5 The rights for education of persons with psychomotor development peculiarities

1. Persons with psychomotor development peculiarities have the right to receive education in accordance with their learning abilities in adequate for their health environment.
2. Realization of the rights of the persons with psychomotor development peculiarities for receiving special education shall be executed on the basis of decision of the state centre for correction and developing education and rehabilitation with respect to a child and on the basis of decision of medical and rehabilitation expert commission with respect to an adult, provided another is not stated by the present Law or other legislative acts.

Article 13 The rights and obligations of students and pupils with psychomotor development peculiarities (excerpts)

1. Students and pupils with psychomotor development peculiarities have the right for:
 - 1.1 receiving free-of-charge pre-school, general basic and general secondary education, professional and vocational education in accordance with their learning abilities in state institutions providing special training, and receiving specialist secondary and higher education on competitive basis;
 - 1.2 choice of educational establishment in consideration with state of health and recommendations of state centre for correction and developing education and rehabilitation;
 - 1.3 free of charge psychological, medical and pedagogical examination realised in the state centres for correction and developing education and rehabilitation;
 - 1.4 free of charge psychological, medical and pedagogical correction of physical and (or) psychological disorders in state institutions providing special education;
 - 1.5 creation of special conditions for receiving tuition with consideration of psychomotor development peculiarities;
 - 1.6 tuition based on individual curricula and programmes;
 - 1.7 transportation to the educational establishment in specially designed means of transport. The order of transportation is determined by the Government of the Republic of Belarus or the body it empowers;
 - 1.8 free of charge usage of textbooks and learning materials;
 - 1.9 distance learning. Conditions and order of organisation of the process of distance learning are determined by the Government of the Republic of Belarus or the body it empowers.

Article 14 Rights and obligations of legal representatives of persons with psychomotor development peculiarities

1. Legal representatives of persons with psychomotor development difficulties have the right to:
 - 1.1 receive full and objective information about the types, methods and course of psychological, medical and pedagogical examination of a child with psychomotor development peculiarities and about its results;
 - 1.2 be present during psychological, medical and pedagogical examination of a child with psychomotor development

- peculiarities in state centre for correction and developing education and rehabilitation, to discuss its results;
- 1.3 revise the decision of state centre for correction and developing education and rehabilitation in the order prescribed by the present Law;
 - 1.4 choose the educational establishment, the form of special education with consideration of the recommendations of the state centre for correction and developing education and rehabilitation;
 - 1.5 participate in working up and realization of individual curricula and correction programmes, to be present at the lessons and correction classes;
 - 1.6 be consulted and to visit classes organised by educational establishment with a view to acquire special knowledge on the problems of education and tuition of persons with psychomotor development peculiarities.
2. Legal representatives of persons with psychomotor development peculiarities are to create necessary conditions for development, education and tuition, receiving an education of persons with psychomotor development peculiarities in accordance with their learning abilities, for strengthening health, their social adaptation and integration into society.
3. Other rights and obligations of legal representatives of persons with psychomotor development difficulties in the field of special education are determined by the legislature.

Article 25 Education at home (excerpt)

The conditions for receiving education at home on the levels of pre-school, general basic, general secondary and vocational and technical education shall be created for persons with psychomotor development peculiarities who cannot visit, temporary or permanently, educational establishments basing on medical testimony.

Article 26 Education in establishments of public health (excerpt)

1. The conditions for receiving pre-school, general basic, general secondary and vocational and technical education are created in the order prescribed by the Ministry of Education of the Republic of Belarus on agreement with the Ministry of Public Health of the Republic of Belarus for persons with psychomotor development difficulties who have inpatient treatment in the establishments of public health.

LRCRB:

Article 23 Right to education

Every child has the right to receive education free of charge, including in their mother tongue, and to choose the teaching establishment in accordance with the legislative acts of the Republic of Belarus.

The State shall foster the development of skills and further education.

LNMRB:

Article 6

The State shall guarantee citizens of the Republic of Belarus belonging to a national minority equal political, economic and social rights and freedoms executed in accordance with the legislative acts of the Republic of Belarus, including:

- the right to receive assistance from the State for the development of their ethnic culture and education;
- the right to use their mother tongue, the right to choose the language of communication, as well as the right for freedom of choice of the language of upbringing and education;
- the right to establish means of mass information, publishing activities and to get, store and disseminate information in their mother tongue;
- the right to establish cultural links with fellow ethnic group members beyond the borders of the Republic of Belarus;
- the right to profess any religion and to perform ethnic ceremonies and rites in their mother tongue;
- the right to preserve their ethnic traditions and to develop art on a commercial or amateur basis;
- the right to found their own ethnic cultural societies (associations);
- the right to be elected to state authorities of the Republic of Belarus on the basis of universal, equal and direct suffrage;
- the right to take up any official posts within state and government authorities of the Republic of Belarus.

Article 8

The State shall help, in accordance with the legislative acts of the Republic of Belarus, to create the conditions for the development of national minorities' education and culture by allocating the necessary funding from the state budget.

LLRB:

Article 21 Right to education and to training in one's ethnic language

The Republic of Belarus shall guarantee the inalienable right of every citizen to education and training in Belarusian or Russian. This right shall be guaranteed by a system of pre-school establishments, general education establishments, vocational and technical colleges, special secondary and higher education establishments.

Persons of other nationalities resident in the Republic shall also have the right to education and training in their mother tongue.

Education system heads and other staff shall speak Belarusian and Russian.

Article 22 Language used in education in pre-school establishments

In pre-school establishments and also orphanages in the Republic of Belarus education shall be dispensed in Belarusian and/or Russian.

In accordance with the wishes of citizens and by decision of the local executive and administrative authorities pre-school establishments or individual nursery groups providing education in the language of a national minority may be created.

Article 23 Language of teaching and education and language studies in general education establishments

In the Republic of Belarus teaching and educative work in general education establishments shall be carried out in Belarusian and/or Russian.

In accordance with the wishes of citizens and by decision of the local executive and administrative authorities, general education establishments or classes in which the teaching and educative process takes place in the language of a national minority or a national minority language is studied may be created.

In all general education establishments the study of Belarusian, Russian and one foreign language shall be compulsory. Arrangements for the study of the Belarusian language by teachers temporarily resident on the territory of the Republic shall be determined by the republic bodies responsible for state administration in the field of education.

LCRB:**Article 20 Right to aesthetic upbringing, artistic and cultural education**

Citizens without age limitations have the right for choice of forms and methods of aesthetic upbringing, artistic and cultural education in accordance with the present Law and legislative acts on education.

LFCRORB:**Article 9 Education and religion**

The national system of education in the Republic of Belarus has a secular character and does not pursue the aim of creation one or another attitude to religion.

Citizens have the equal opportunities of access to national system of education regardless of their attitude to religion.

Creation of religious organizations and anonymous or any other activities thereof that contradict the legislation is prohibited in educational establishments.

Educational establishments in the matters of educational activity on the basis of written requests of parents or people substituting them (students of the full legal age) in out of school hours can interact with the registered religious organizations with the consideration of their influence on formation of religious, cultural and state traditions of the Belarusian nation. Order, conditions, content and forms of such cooperation are determined by the Council of Ministers of the Republic of Belarus on agreement with the President of the Republic of Belarus.

Religious organizations registered in the order prescribed by the present Law have the right in accordance with their statutes to establish study groups and Sunday religious schools for religious training of children and adults using for that purpose apartments belonging to them or placed at their disposal, apart from the apartments belonging to public educational establishments.

Article 28 Religious Educational Establishments

Religious communities in accordance with their statutes have the right to found religious educational establishments for professional training of priests, specialists in theology and clergymen.

The citizens studying in higher and secondary religious educational establishments enjoy the rights and privileges prescribed for the students of public educational institutions.

CMFRB:**Article 75 Upbringing of children**

Parents realize the upbringing of children, guardianship on them and their property. They shall take care about physical, spiritual and moral development of children, about their health, education and preparation for independent life in the society. All problems concerning the upbringing of children shall be solved by both parents on mutual consent. In the absence of consent the dispute shall be settled by guardianship and trusteeship body with participation of the parents. The decision of guardianship and trusteeship body may be appealed in the court.

Parents under age have the right to participate in the upbringing of a child.

Before the parents under age that are not married acquire full capability a tutor that will perform the upbringing of the child together with the parents under age shall be appointed to their child by approbation of legal representatives. Disagreements in the child upbringing arising between the tutor of the child and parents under age shall be settled by guardianship and trusteeship body.

Article 186 The right to education and work

All children have the right to receive free of charge general secondary and vocational and professional education in state educational establishments, to choose educational establishment and to receive education.

Children have the right to learn a profession in accordance with their gifts and talents.

On reaching sixteen years an adolescent has the right to independent labor activity.

Upon the written consent of a parent or tutor a labour contract can be concluded with a child who reached fourteen years.

Article 187 The right to leisure and rest

Every child has the right to leisure and rest, to choice of extramural activities in accordance with the needs of healthy and harmonious development.

The data provided above seems quite obvious and might need just few comments:

1. CRB reflects the main values of the Belarusian society, notably special attention is paid to the family, youth, women, children (see also cited articles from CMFRB), and education.

2. The content of the selected articles cited from Belarusian legislative documents don't directly correspond to that of the ECHR articles or can be compared to several articles of ECHR (see, for instance, Article 9 and Article 14 of ECHR and Article 1 of LFCRORB or Article 9 and Article 10 of ECHR and Article 188 from CMFRB).
3. The degree of detail of several issues contained in ECHR articles versus Belarusian legislative documents is not the same. The most developed seem issues concerning prohibition of discrimination and the right to education, the least developed are those concerning the freedom of expression.
4. It is worth to point out that there is a National Plan on the Development of Human Rights Education in the Republic of Belarus approved by the Council of Ministers of the Republic of Belarus (No. 366 from 15 March 1999). The National Plan, among other things, presupposes implementation of the following tasks:
 - Creation of wide possibilities for every child and adult to get informed about the content of the Universal Declaration on Human Rights, the Convention on the Rights of the Child, the Law of the Republic of Belarus 'On the Rights of Children', other international and national acts in the field of human rights;
 - Establishment of a comprehensive and multi-stage system of education in the field of human rights, the use of different forms of teaching and propaganda of the statements of the basic international documents in the field of human rights in the curricula and extra-class activities for this purpose;
 - Creation of favourable conditions for the teachers of the courses 'Human Rights', 'Rights of the Child', other teachers and the administration of educational establishments by means of development and publishing of textbooks, manuals, educative and methodological literature, conducting of TV-classes, publishing materials about the use of new technologies and the best national and international experience;
 - Wide participation of the state bodies and public organizations in the development of education in the field of human rights;
 - Development of cooperation of the country with UN, OSCE, Council of Europe as well as cooperation with other countries on the problems of the development of education in the field of human rights.

According to this Plan a special subject on human rights was introduced as an obligatory one in the curricula at all the levels of education which follow the elementary one. The textbooks for schools as well as for higher education level were proposed (some of them are to be used at the university level, so every student can have a possibility of choice). It is also worth to notice that human rights issues are not considered only from a juridical point of view, but as more complex ones (special recommendations have been issued for educators dealing with specialised courses in the field).

4. Conclusion

In conclusion, some facts from Press-release of the Ministry of Education of the Republic of Belarus on the results achieved in the 2003/04 school year illustrate the efficiency of the legislative statements in practice:

1. The main efforts in 2003 were concentrated on further increasing the quality of education on all levels. In the field of pre-school education the work was aimed on ensuring equal initial possibilities for entering school, creation of health saving technologies of upbringing and education. As a result, 100% of 5 years old children were involved in preparation to school: 89% in pre-school establishments, 11% by other forms.
2. 171 titles of textbooks (total edition comprises 4.8 million units) were issued. 130 titles were for secondary schools, 17 of them were experimental (total edition is 4.614.000 units).
3. In order to create the system of ensuring quality of education they worked out criteria and indices of the quality of education and upbringing, the program of monitoring of general secondary education, the schedule of actions on its realization, the institutions responsible for development of instructive, methodological and diagnostic materials were determined.
4. More than 360.000 pupils were visiting on a regular basis 359 institutions of extramural education and upbringing, which provided children with the access to different fields of creative activities.
5. In the field of special education the main activities aimed at expansion of the accessibility of education for persons with psychomotor development peculiarities, their social adaptation and integration into society. The quantity of the centers for corrective and developing education increased from 97 to 112, of the classes of integrated education – from 3837 to 4072; that allowed reducing the number of special boarding schools from 73 to 67. A new step in the development of the system of special education was taken, that is the system of assistance to children with psychomotor development peculiarities from the first years of their life to be created.
6. The work on perfection of the system of vocational and technical training was going on, namely new principles of interaction of republican bodies of state governing, local executive and administrative bodies, organizations providing working places were elaborated to ensure the trainees their first working place.
7. Priority attention in the development of the system of secondary special education was paid to searching

the ways for optimization of the nets of institutions of secondary special education, development of the system of forecasting and planning of the labour market requirements. 13 secondary special educational establishments were transformed into colleges. Proposals for passing pedagogical colleges and schools from municipal to republican property were prepared. The analysis of the results of admittance and job placement of the graduates of secondary special educational establishments, integration with vocational and technical training and higher education was realized.

8. The transition to mass higher education necessitated the revision of the legislative norms and development of the structure of higher school on the basis of integration of educational establishments of various types, transition to two level system of higher education. In 2003 the number of students of higher educational establishments reached 337.900 people. In 2003 the number of students constituted 343 persons per ten thousand of the population (in 2002: 324 persons). In the admittance rules to the institutions providing higher education the unified state examination on Russian/Belarusian (on choice) in the form of centralized testing was introduced for the first time.
9. The schedule for realization of control measures with the consideration of renovated normative legislative basis was ensured. 146 educational establishments were accredited and attested, 38 inspections of the activity of administrative bodies and institutions of education took place.
10. Educational administration bodies and educational establishments conducted systematic activity on the realization of state and regional programmes on the prevention of criminal behaviour, drug addiction, drunkenness, alcoholism, as well as propaganda of healthy way of life among children and young people. At the beginning of 2004 95 social boarding schools (increased by 22) and 31 social and pedagogical centres (increased by 7) worked in the regions. The percentage of HIV infected at the age of 15–19 reduced from 24.5% in 1996 to 6.8% in 2003. During the year more than 4200 children without parents were placed in families, 1300 among them being from orphanages.
11. In summer period 463.600 children were rendered healthy (237.200 in the camps with 24-hour staying and 226.400 with only day-time staying). 13.147 children without parental care and 1212 children with disabilities visited summer camps.
12. The work on the development of physical culture of pupils and training of the Olympic reserve was also going on. Before the new academic year the programme and methodological complex on physical culture for educational establishments providing general secondary, vocational and technical training and secondary special education were prepared. The new study programs on physical culture for higher educational establishments were developed, approved and recommended to introduction.

It is worth to mention that the majority of the results achieved are connected to educational establishments financed by the State. Private and other non-state institutions are still quite rare in Belarus, which belongs to the low-income countries. Belarusian parents prefer state pre-school and other educational establishments because they provide and guarantee high standards of education and healthy upbringing being completely free of charge or absolutely inexpensive even in Belarusian dimensions.